

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56138 of 2024

Arising Out of PS. Case No.-434 Year-2023 Thana- SARAIYA District- Muzaffarpur

1. Umesh Mahto Son of Late Jalandhar Mahto Resident of Vill- Bahilwara Roopnath, P.S.- Saraiya, District- Muzaffarpur.
2. Raj Mangal Mahto Son of Baleshar Mahto Resident of Vill- Bahilwara Roopnath, P.S.- Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kanti Devi Wife of Rajwanshi Mahto Resident of Vill- Bahilwara Roopnath, P.S.- Saraiya, District- Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Adv.
For the Opposite Party/s : Mr.Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 03-09-2024

1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Saraiya P.S. Case No. 434/ 2023 dated 09.07.2023 registered for the offence(s) punishable under Section(s) 147, 149, 323, 341, 376, 511, 379, 354B, 504 and 506 of the Indian Penal Code.

3. Mr. Alok Kumar Alok, learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case and the prosecution story is false and concocted. It is further submitted that both the parties are agnates and between them a land dispute was already existing



at the time of alleged occurrence, which has been mentioned in the impugned order, and prior to the lodging of the F.I.R., which is based on a complaint, three cases had been lodged by the petitioners' side against the informant and others and in retaliation for putting pressure upon the petitioners the instant case has been lodged.

4. Mr. Yogendra Kumar Singh, learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. Having considered the submissions herein noted above and mainly the facts that both the parties are agnates and in between them a land dispute was already existing, as appears from the impugned order, and prior to the lodging of the F.I.R., which is based on a complaint, three cases had been lodged by the petitioners' side against the informant and others, in my opinion, it is a fit case for grant of anticipatory bail to the petitioners. Accordingly, let the petitioners named-above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Saraiya P.S. Case No. 434/2023 on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction



of the Court concerned, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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