

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57446 of 2023

Arising Out of PS. Case No.-54 Year-2021 Thana- BETTIAH CITY District- West
Champaran

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1. Nandkishore Mahto S/O Jangbahadur Mahto R/O Village-Sabeya Kala, P.S.-
Sirisiya O.P., District-West Champaran. Present Address R/O Durgabagh,
P.S.-Bettiah (Town, District-West Champaran
 2. Shanti Devi W/O Nandkishore Mahto R/O Village-Sabeya Kala, P.S.-
Sirisiya O.P., District-West Champaran. Present Address R/O Durgabagh,
P.S.-Bettiah (Town, District-West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Awadhesh Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 27-02-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection
with Bettiah Town P.S. Case No. 54 of 2021 initially registered
for the offence punishable under Sections- 448, 427, 504, 506,
384, 379 and 34 of the Indian Penal Code but later on
cognizance has been taken for the offence u/s 448, 427, 504,
506, 384 and 34 of IPC.

3. Prosecution case in short is that the accused persons
having been armed with weapons, entered into house of the
informant forcefully breaking open the lock of her house and



took away different household articles. Ransom amount of Rs. 20,00,000/- is also said to have been demanded.

4. It has been submitted on behalf of the petitioners that they are innocent and have falsely been implicated in the present case. During the investigation, the case was not found true and the investigating authority submitted the final form. The learned Magistrate differing with the final form, has taken cognizance. He has also submitted that husband of the informant has already lodged a case against the petitioner which was also culminated into final form. Further, submission of learned counsel for the petitioners is that the informant executed an agreement to sale of her house in favour of the of the petitioner no. 1 and after receiving the consideration money, the informant handed over the possession of the house in their favour but only with a view to avoid the execution of the sale deed, the cases have been filed against the petitioners. Learned counsel has submitted that for specific performance of the contract, the petitioner no. 1 has filed a title suit against the informant and her husband which is still pending.

5. Learned APP appearing for the State opposed the prayer for grant of anticipatory bail.

6. Considering the above-mentioned facts and



circumstances of the case, let the petitioners named above, in the event of their arrest or surrender within a period of four weeks be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Miss Kumari Prinki Priyanka, Judicial Magistrate 1st Class, Bettiah, West Champaran in connection with Bettiah Town P.S. Case No. 54 of 2021 subject to the conditions as laid down under Section 438 of the Cr.P.C.

(Nawneet Kumar Pandey, J)

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