IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No. 2467 of 2024

Shashadhar Mahato @ Sasdhar Mahato, S/o Late Haldhar Mahato, R/o E-559, Khutadih Basti, Infront of Sabuj Sangh Maidan, PO & PS-Sonari, Jamshedpur, District-East Singhbhum, At Present: R/o Village-Dobo, Panchayat-Tamulia, PO-Kapali, PS-Chandil, District-Seraikella-Kharsawan … … Petitioner

Versus

1. The State of Jharkhand
2. Malindra Mahato, S/o Late Haldhar Mahato, R/o Village-Dobo, PO-Kapali, PS-Chandil, District-Seraikella-Kharsawan

... … Opposite Parties

CORAM: HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner : Mr. R.S. Mazumdar, Sr. Advocate
Mr. Nishant Kumar Roy, Advocate
For the State : Mr. Pankaj Kumar, P.P.
For the Opposite Party No. 2 : Mr. P.S. Dayal, Advocate

06/17.12.2024 The petitioner apprehending his arrest for the offences punishable under Sections 406/420/467/468 of the Indian Penal Code, has prayed for grant of anticipatory bail.

2. Learned Senior Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and has not committed any offence as alleged in the complaint. The petitioner and the opposite party no. 2 are the own brothers. Whatever amount has been received by the petitioner by way of compensation for acquisition of the land in question, the same is in accordance with his proportionate share over the same. In fact, the opposite party no. 2 had already sold some part of the land to different persons prior to acquisition of the same by the government. Hence, if at all the compensation received by the opposite party no. 2 is lesser than what has been received by the petitioner, he cannot be said to be responsible for the same. The petitioner has also annexed copies of the concerned sale deed and

notification dated 08.07.2015 (Annexure 4 and 5 of the supplementary affidavit dated 03.05.2024 respectively) regarding purchase of the said land and showing the name of the purchaser of the land as the awardee. Otherwise also, it is a civil dispute which has been given the colour of the criminal case. Under the said circumstance, the petitioner may not be given the privilege of anticipatory bail.

3. Learned counsel for the opposite party no. 2 submits that the petitioner despite being the elder brother of the opposite party no. 2 has put undue pressure on the opposite party no. 2 to give no objection to him in lieu of acquisition of the land in question taking advantage of the fact that the opposite party no. 2 is illiterate. Hence, the petitioner may not be given the privilege of anticipatory bail.

4. Having heard learned counsel for the parties and considering the materials available on record, I am inclined to enlarge the petitioner on anticipatory bail. Accordingly, the petitioner above named, in the event of his arrest/surrender within three weeks from today, shall be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Chandil, in connection with Complaint Case No. 93/2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Rajesh Shankar, J.)

Manish