

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7814 of 2025

Arising Out of PS. Case No.-1326 Year-2011 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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1. Raji Nandan Mahto @ Ramanand Mahto S/o- Deodhari Mahto Resident of Village- Basbitta, Tole Laldasi, PS.- Mejorganj, Dist- Sitamarhi
 2. Ram Binay Mahto S/o- Raji Nandan Mahto @ Ramanand Mahto Resident of Village- Basbitta, Tole Laldasi, PS.- Mejorganj, Dist- Sitamarhi
 3. Ram Shobhit Mahto S/o- Raji Nandan Mahto @ Ramanand Mahto Resident of Village- Basbitta, Tole Laldasi, PS.- Mejorganj, Dist- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shanti Devi W/o- Late Sitaram Mahto Resident of Village- Basbitta, Tole Laldasi, PS.- Mejorganj, Dist- Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha
For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 01-07-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a complaint case punishable for the offence under Section 302 of the Indian Penal Code.

3. As per the prosecution case, on 18.08.2008, the complainant had gone to watch T.V. after taking dinner and her soutan namely Prakhani Devi was sleeping and when complainant returned at about 12 night, she saw in lamp that all the accused persons including these petitioners entered the house and co-accused Chandradeo Mahto pushed her on the



ground, whereas petitioner no. 1 was slitting the throat of victim Parakhani Devi. It is further alleged that when complainant raised alarm, all the accused persons fled away from the house and also took away Rs. 23,000/- from the house. The complainant further alleged that the incident took place due to land dispute.

On the basis of *fardbeyan* of complainant, Majorganj P.S. Case No. 114 of 2008 was registered against seven accused persons including petitioners for offence under Section 302/34 of the I.P.C. and after investigation, the police has not found any material against these accused persons and submitted final form and accused persons were not sent up, however; on the basis of protest petition, which was treated as complaint petition, this case was instituted.

4. Learned counsel for the petitioners submits that during investigation, number of witnesses were examined, but none of them supported the prosecution case and stated that they did not see any of the accused persons committing the alleged occurrence and as such, the police submitted final form. Both parties are agnates. Land dispute has already been decided in favour of accused persons up to the Apex Court. Informant/complainant does not appear to be eye-witness of the occurrence



and only on account of land dispute, this false and concocted case has been lodged.

5. Learned A.P.P. for the State has opposed the bail petition and submitted that from perusal of the complaint petition, it appears that complainant and inquiry witnesses have supported the prosecution case during their examination in Court.

6. Heard learned counsel for the parties. There is land dispute between the parties. The police, after investigation, submitted final form and did not find any material against petitioners and others.

7. Considering the same, let the above named petitioners, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Sadar Sitamarhi in connection with Complaint Case No. C1-1326 of 2011, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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