

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56083 of 2024

Arising out of PS. Case No.-313 Year-2023 Thana- AWTARNAGAR District- Saran

Sudhan Mahto, S/o Heman Prasad @ Heman Mahto, R/o Village- Kamalpur,
P.S- Awatar Nagar, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 51902 of 2024

Arising out of PS. Case No.-313 Year-2023 Thana- AWTARNAGAR District- Saran

Raghunath Mahto, S/o Late Sheonath Mahto, R/o Village- Kamalpur, P.S-
Awatarnagar, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 56083 of 2024)

For the Petitioner/s : Mr. Ajit Kumar Ojha, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

(In CRIMINAL MISCELLANEOUS No. 51902 of 2024)

For the Petitioner/s : Mr. Dhananjay Kumar Shahi, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

10 29-04-2025 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the state.

2. The petitioners seek bail in connection with Awatar
Nagar P.S. Case No. 313 of 2023 dated 01.11.2023 instituted for
the offences under Sections 188, 406 and 409 of the Indian
Penal Code pending before the Judicial Magistrate, 1st Class,
Saran at Chapra.

3. By order dated 20.08.2024, the petitioner namely



Sudhan Mahto was granted provisional bail for three months by a Co-ordinate Bench of this Court taking into consideration the submissions made on behalf of the petitioner that if the provisional bail for three months is granted to the petitioner, he would be able to show the Court that entire work has been completed. It was also submitted by learned counsel for the petitioner that in case, the work is found incomplete, the petitioner shall complete the work in satisfactory manner within the period of existence of the provisional bail. Further, by order dated 12.09.2024, the petitioner namely Raghunath Mahto was granted provisional bail for three months by a Co-ordinate Bench of this Court taking into consideration the submissions made on behalf of the petitioner that the petitioner had assured to complete the work within three months. It was also submitted by learned counsel for the petitioner that petitioner namely Raghunath Mahto is a ward member and if he is not granted bail for three months, the work cannot be completed.

4. Subsequent thereto *vide* order dated 26.11.2024, a Co-ordinate Bench of this Court had observed that despite specific order dated 20.08.2024, no further affidavit has come on record showing whether the work has been completed or not? Thereafter, the Co-ordinate Bench of this Court directed that the



petitioners shall be appearing before the District Panchayat Raj Officer, Saran at Chapra on 02.12.2024 at 03.00 P.M. to satisfy him regarding the work done of the amount of Rs. 5,50,000/-. The Court had also directed the petitioners to file separate affidavit on the work they have conducted along with the certificate of the DPRO, Saran at Chapra and further within the time frame they have to complete the entire work worth the amount taken by them. Despite the aforesaid orders, the affidavit was not filed by the petitioners and, hence, provisional bail granted to the petitioners *vide* order dated 20.08.2024 was extended by another four weeks on 16.01.2025. Despite extension being granted, till date no such affidavit has been filed and today learned counsel for the petitioners informs the Court that neither petitioners nor their Pairvikars are in touch despite repeated calls being made to them.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners and has submitted that petitioners have violated the terms which were given by this Court before granting provisional bail to the petitioners and neither the work has been completed nor the money has been returned by the petitioners as such the provisional bail granted to the petitioners should be canceled.



6. Considering the aforesaid submissions of respective counsels and the fact that the petitioners have violated the terms which were given by this Court before granting provisional bail to the petitioners and the conduct of the petitioners of not presenting themselves before the DPRO, Saran at Chapra and also the fact that till date neither the work has been completed nor the money has been returned by the petitioners as it appears from the counter affidavit filed on behalf of the State and also the fact that even they are not in touch with respective counsels to enable them to file supplementary affidavit, the provisional bail granted to the petitioner namely Sudhan Mahto *vide* order dated 20.08.2024 and the petitioner namely Raghunath Mahto *vide* order dated 12.09.2024 is hereby canceled. Accordingly, the present bail applications filed on behalf of the petitioners are dismissed.

7. Learned Trial Court, Saran at Chapra is directed to take coercive action for appearance of the petitioners.

(Sourendra Pandey, J)

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