

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5885 of 2025

Arising Out of PS. Case No.-181 Year-2024 Thana- KARJA District- Muzaffarpur

1. Bharat Kumar S/o Hardeo Mahto R/o Village- Karja, P.S.- Karja, Distt.- Muzaffarpur.
2. Vishahar Mahto @ Dildar Raja S/o Hardeo Mahto R/o Village- Karja, P.S.- Karja, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Bipin Chandra, Advocate
For the Opposite Party/s : Mr. Murli Dhar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

6 03-07-2025 Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners seek bail in a case registered for the offences punishable under Sections 140(2), 140(3) and 3(5) of the B.N.S.

3. As per the prosecution case, the informant, namely, Kumudini Kumari has alleged that her husband had gone to Sitamarhi for the work of School, however, when he did not return till late evening, she called her husband but his phone was switched off then he called his driver then she knows that while he was returning from Sitamarhi, five to six persons stopped his vehicle and he was forcibly taken on motorcycle and they



threatened the family of the informant that if Rs. 10 lakh is not paid as ransom they would all be killed. It is further alleged that two persons, namely, Bharat Kumar (petitioner no.1) and Vishahar Mahto (petitioner no.2) were identified, however, rest of the persons could not be identified. The informant has further alleged that the said persons had got the signature of the husband of the informant on stamp paper, cheques and blank papers etc. on 22.04.2024 and even on 01.08.2024 they had taken signature on four stamp papers.

4. The learned counsel for the petitioners submit that petitioners have falsely been implicated in this case. It has further been submitted that the present case has been lodged on a false and concocted story as Rs. 40 lakh had been paid by the petitioners to the husband of the informant as consideration amount for execution of sale deed, however, he had been avoiding the same. The learned counsel next refers to the photocopy of the agreement between the husband of the informant and the petitioner no. 2 dated 22.04.2024 which has been brought on the record by way of Annexure-P/2, whereby it could be evident that there was an agreement for sale and the husband of the petitioner had received consideration amount for the same.



5. The learned counsel for the petitioners has drawn the attention of this Court towards the Annexure-P/3 which is the *Panchayati*, held with regard to the dispute between the husband of the informant and the petitioner no.2. Learned counsel for the petitioners has further stated that from perusal of seizure list, there is nothing incriminating found, which would suggest that the petitioners had committed the said crime and it is only because of the demand being made by the petitioners of Rs. 40 lakh which was paid to the husband of the informant, the present case has been lodged. It has lastly been submitted that the petitioners are in custody since 03.08.2024 and they have clean antecedent.

6. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail and has stated that the petitioners are alleged to have forcefully taken the signatures of the husband of the informant and have also threatened and demanded ransom of Rs. 10 lakh.

7. Considering the aforesaid submissions made by the parties and taking into account the fact that there was an agreement on record which would go on to suggest that the husband of the informant had received some amount from the petitioner no. 2 and there are undertakings from his side that he



would be executing the sale deed, let the petitioners, above named, 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 the learned court below where the case is pending/successor court in connection with Karja P.S. Case No. 181 of 2024, subject to the following conditions:-

(i) One of the bailors of the petitioners shall be their close relative and the other shall be local resident.

(ii) The petitioners shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(iv) If, the petitioners are found involved in similar nature of offence in the future, the prosecution will be at liberty to move for cancellation of their bail bonds.

(v) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of



or in the name of verification.

8. Accordingly, the prayer for bail is allowed.

(Sourendra Pandey, J)

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