

Gopal Mahto vs The State Of Bihar on 29 January, 2025

Author: Khatim Reza

Bench: Khatim Reza

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.75243 of 2024

Arising Out of PS. Case No.-241 Year-2024 Thana- SURYAGARHA District-

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1. Gopal Mahto S/o- Parmeshwar Mahto Village- Khalikpur Suryapura P.S.

Suryagarha District- Lakhisarai

2. Sohan Mahto S/o- Parmeshwar Mahto Village- Khalikpur Suryapura P.S.

Suryagarha District- Lakhisarai

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Rajendra Singh, APP

Mr. Parmanand Pd. Nr. Sahi

Mr. Birendra Kumar Tiwary, Adv.

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 29-01-2025

Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with Suryagarha PS Case No. 241 of 2024 dated 04-08-2024, instituted under Sections 308(2), 324(4), 351(2) and 3(5) of Bhartiya Nyaya Sanhita 2023.

3. The prosecution case in short is that the land in question belongs to the informant and the petitioners destroyed the crops of the informant by sprinkling pesticides in his field, Patna High Court CR. MISC. No.75243 of 2024(3) dt.29-01-2025 on account of which, the informant suffered a loss of Rs. 50,000/-. Further case of the prosecution is that accused persons demanded Rs. 50,000/- as extortion money for cultivating the field.

4. Learned counsel for the petitioners submits that petitioners are full brothers and they have been falsely implicated in this case. It is submitted that both the parties are co-villagers and there is land dispute between them. Further submissions is that mother of the petitioners also lodged a case against the relative of the informant vide Suryagarha PS Case No. 221 of 2017, dated 15-11-2017 under Sections 341,323,354, 307 and 504/34 of the IPC. It is next submitted that petitioner no.1 had also filed Complaint Case bearing Complaint Case No. 374(c) of 2017 on 04-07-2017 under Sections 144,148,323,448, 379 and 427 of the IPC against the present informant and his family members. It is also submitted that occurrence took place on 27-07-2004 whereas, the FIR was registered on 04-08-2024 after eight days of the alleged occurrence and there is no plausible explanation for such a long delay. Lastly, it has been submitted that four criminal cases are pending against the petitioners.

5. Learned counsel for the informant and learned Patna High Court CR. MISC. No.75243 of 2024(3) dt.29-01-2025 counsel for the State have opposed the prayer for bail and submitted that petitioners destroyed the crops and demanded extortion money of Rs. 50,000/- for cultivating his filed.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM Lakhisarai, in Suryagarha PS Case No. 241 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that the petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below,

(ii) that one of the bailors will be their own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailors shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the Patna High Court CR. MISC. No.75243 of 2024(3) dt.29-01-2025 proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. The applications stand allowed.

(Khatim Reza, J) shyambihari/-

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