

IN THE COURT OF ADDITIONAL DISTRICT & SESSIONS JUDGE-II
DISTRICT-KATIHAR
(A.B.P. No. 369 of 2026)

In the matter of

**1. Santosh Mahto aged about 39 years S/o Chandrika Mahto, R/o Mohalla- Mofarganj,
F.C.I. Chowk, P.S.- Nagar, District- Katihar**

.....Accused/petitioner.

Vs

State of Bihar.....Opposite Party.

Katihar Town P.S. Case No. 159/2026

U/S- 126 (2), 115 (2), 352, 74, 316 (2), 318 (4), 3(5) of B.N.S.

Ld. Advocate for petitioner- Shri Rama Nand Gupta

Learned A.P.P. for the State Shri Md. Ajaz Alam

ORDER

22.04.2026- This anticipatory bail petition has been filed on behalf of the accused-petitioner namely Santosh Mahto who is apprehending his arrest in connection with aforesaid case, pending before Ld. Court below.

Heard the Ld. counsel Shri Rama Nand Gupta appearing on behalf of the petitioner and learned A.P.P. Shri Md. Ajaz Alam appearing on behalf of the State.

According to written report of the informant namely Juli Kumari, prosecution case in nutshell is that informant lodged a written report alleging therein that her husband Prem Kumar had talked about purchasing land of Mauja Daheriya, Khata-154, Khasra-160, area 03 decimal, 150 square kadi from Santosh Mahto and consideration money of said land was stipulated Rs. 10,11,000/-. Informant has further alleged that on the same date, Santosh Kumar Mahto took Rs. 1,00,000/- in cash from her husband and made a deed of agreement for sale in the favour of her husband. Informant has further alleged that her husband has paid total Rs. 6,10,000/- to the accused-petitioner namely Santosh Kumar Mahto. It is further alleged that informant's husband asked Santosh Mahto to take the remaining payment and to execute the sale-deed but under some pretext Santosh Mahto avoided to execute the sale-deed then, informant's husband twice sent legal notice to the Santosh Mahto but he did not execute the sale deed rather he also sent legal notice to the informant's husband. While, informant has alleged that her husband is ready to give the remaining payment of Rs. 4,01,000/- to Santosh Mahto, but Santosh Mahto has dishonestly taken away Rs. 6,10,000/- given by her husband and has cheated him. Informant has further alleged that she repeatedly visited to the house of accused and wanted to get the sale-deed executed but accused did not execute the sale-deed. Informant has further alleged that on 06.02.2026, Santosh Mahto came to her house with three other associates, and abused her and he also pushed her with bad intention and told that he will not return her amount nor he will execute the sale-deed.

On the other side learned counsel for the petitioner has reiterated all the grounds taken in the bail petition and has submitted that the petitioner is innocent and has committed no offence. The petitioner has been falsely implicated in this case without any reason. The allegations made by the informant are totally false, baseless, concocted and wrong. The matter is purely civil in nature as well as civil dispute. No case is made out against the petitioner. There is no criminal antecedent of the petitioner. Accordingly, it has been prayed to allow the

said anticipatory bail petition.

Per contra, learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail.

Heard both parties and perused the case record. From perusal of the case record it is evident that informant to this case namely Juli Kumari has clearly alleged in her written application that her husband paid Rs. 1,00,000/- to the accused-petitioner and accused-petitioner executed a deed of agreement for sale of the land in question and time-to-time accused-petitioner took total Rs. 6,10,000/- from her husband but despite of repeated request he did not execute the sale-deed of the said land in favour of her husband. So, from the above facts as well as from perusal of the case record it prima-facie appears that accused-petitioner committed cheating with informant's husband and he has misappropriated total Rs. 6,10,000/- of informant's husband. Since, from record it prima-facie appears that in the name of land transaction, accused-petitioner took total Rs. 6,10,000/- with dishonest intention and he did not execute sale-deed in the favour of informant's husband and thereby, he committed cheating with informant's husband and investigation is still pending.

So, having considered the above facts as well as submissions made by Ld. A.P.P., I am not inclined to grant the privilege of anticipatory bail to the aforesaid accused-petitioner. Hence, this anticipatory bail petition filed on behalf of the accused-petitioner namely Santosh Mahto is hereby rejected.

**Addl. Sessions Judge-II
Katihar**

Date of order	22.04.2026
Date of Reserving order	N/A
Uploading Date	28.04.2026
Uploaded By	Harshit Raj, Steno, DASJ-II, Katihar