

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10967 of 2020

1. Prabhu Mahato, aged about 41 years, Male, S/o- Thakur Mahato,
 2. Dharmendra Mahto, aged about 24 years, Male, S/o- Umesh Mahto
 3. Arvind Mahto @Arvind Kumar, aged about 21 years, Male son of Prabhu Mahto
 4. Prabha Devi, aged about 41 years, Female, wife of Nagina Mahto,
 5. Krishnawati Devi, aged about 38 years, Female, wife of Gopichand Mahto
 6. Sabita Devi, aged about 36 years, Female wife of Prabhu Mahto
 7. Chanda Devi, aged about 43 years, Female, wife of Umesh Mahto,
 8. Sona Devi, aged about 56 years, Female, wife of Thakur Mahto,
 All resident of village-Laxmipur, P.S. Yogapatti, District-West Champaran

..... Petitioners

Versus

The State of Bihar

..... Opposite party

Appearance

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the State : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 3.09.2020 Heard learned counsel for the petitioners and learned
 A.P.P for the State through video conferencing.

The instant application for anticipatory bail has been filed
 by the petitioners apprehending their arrest in connection with
 Yogapatti P.S. Case No.294 of 2014, registered under sections
 384, 386, 379, 427, 448, 452 and other sections of the Indian



Penal Code.

As per allegation in the F.I.R, it is stated by the informant that there was dispute with respect to the immovable property, the house of the informant was built under Indra Awas on his own land but he was being asked to demolish the house or else co-accused Umesh Mahto was demanding a *rangdari* of Rs.2 lacs. It was further stated that the accused persons variously armed came. Umesh Mahto and the petitioner no.1 assaulted the wife of the informant with fists and slaps while the others also participated.

It is submitted by learned counsel for the petitioners that the allegation relates to immovable property and the petitioners have been falsely implicated in the case which has been lodged after unexplained delay of four days. No specific overt act has been alleged. It is further submitted that till date no process under sections 82 and 83 of Cr.P.C. has been issued and although charge sheet have been submitted, the petitioners have not been described as absconders.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and on going through the contents of the F.I.R. it transpires that the case was registered in the year 2014 and the petitioners have moved for



bail in the year 2019. Taking into consideration the nature of allegations as levelled in the F.I.R., the materials which have come in course of investigation and specially the delay in moving for bail, the Court is not inclined to enlarge the petitioner nos. 1, 2 and 3 on anticipatory bail and as such their application for anticipatory bail is rejected.

However, taking into consideration the petitioner nos. 4, 5, 6, 7 and 8 being females, the Court is inclined to enlarge them on anticipatory bail. The petitioner nos. 4, 5, 6, 7 and 8 are directed to surrender in the Court below within a period of eight weeks from today and in the event of their arrest or surrender in connection with Yogapatti P.S. Case No.294 of 2014 they will be enlarged on bail on furnishing bail bond of Rs 10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bettiah, West Champaran, subject to the conditions as laid down in section 438 (2) of Criminal Procedure Code.

(Partha Sarthy, J)

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