

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14692 of 2020

Arising Out of PS. Case No.-186 Year-1994 Thana- BENIPATTI District- Madhubani

1. MANA DEVI Wife of Palat Paswan Resident of Village - Barantpur, P.S.- Benipatti, Distt - Madhubani (wrongly mentioned in the impugned order as village - Bharatpur, P.S.- Basopatti.)
2. Lalo Devi Wife of Ram Khelawan Paswan Resident of Village - Barantpur, P.S.- Benipatti, Distt - Madhubani (wrongly mentioned in the impugned order as village - Bharatpur, P.S.- Basopatti.)
3. Meena Devi Wife of Sitai Paswan Resident of Village - Barantpur, P.S.- Benipatti, Distt - Madhubani (wrongly mentioned in the impugned order as village - Bharatpur, P.S.- Basopatti.)
4. Sugani Devi @ Sugli Devi Daughter of Jagdish Yadav Resident of Village - Barantpur, P.S.- Benipatti, Distt - Madhubani (wrongly mentioned in the impugned order as village - Bharatpur, P.S.- Basopatti.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bimal Kumar
For the Opposite Party/s	:	Mr.Jitendra Kumar Singh
		Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 07-07-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and Sri Ashok Kumar, the learned APP for the State.



This is an application for grant of anticipatory bail in connection with Benipatti P.S. Case No. 186 of 1994 registered for the offence punishable under Sections 147, 149, 323, 342, 337, 307, 379, 302 of the Indian Penal Code.

The case of the prosecution in brief is that on 2.9.1994, the informant had left his house after having food, carrying a sum of Rs. 30,000/- for the purposes of buying turmeric, chillies, coriander, mustard etc. from the Samastipur Bazar Samiti since he is engaged in the business of spices. It is further alleged that the accused persons had assembled at the door of the house of Laxmi Paswan and one another and had engaged in assaulting them as also had assaulted the informant and snatched his watch and taken a sum of Rs. 30,000/- from him. It is further alleged that the female accused persons had also arrived in the meantime and had engaged in brick batting and assaulting the female members of the prosecution party resulting in the members of the prosecution party receiving grievous injuries. It is further



alleged that the accused persons had also engaged in assaulting the members of the prosecution party with spear, hasuli etc. resulting in death of the sister-in-law of the informant.

The learned counsel for the petitioners has submitted that the petitioners are female, they are having clean antecedent and they have been falsely implicated in the present case. It is further submitted that though the police had submitted charge-sheet bearing Charge-sheet No. 38 of 1995 dated 21.2.1995, but the petitioners herein had not been charge-sheeted by the police and in fact, cognizance was also not taken by the learned Magistrate as against the petitioners herein. It is submitted that apparently, a petition was filed on behalf of the prosecution before the learned trial court to add the name of the accused persons, who have not been sent up for trial by the police and had been discharged by the Magistrate whereupon, the learned trial court without collecting any further materials as against the petitioners herein had issued summons for appearance of the



petitioners vide order dated 19.8.1997 and they have received summons belatedly. It is further submitted that the petitioners have got no role to play in the alleged occurrence, hence, they are liable to be granted the privilege of anticipatory bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties, gone through the materials on record and perused the impugned order dated 7.11.2019 from which it is apparent that though summons were issued to the petitioners herein on 19.8.1997 itself for the purposes of hearing them on the issue of framing of charge, however, the petitioners herein have been absconding. In any view of the matter, direct allegations of serious nature have been levelled against the petitioners herein in the FIR and moreover, the trial is also going on, hence, I do not deem it fit and proper to grant the privilege of anticipatory bail to the petitioners herein since they are definitely required to appear before the



learned court below and participate in the ongoing trial, thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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