

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81840 of 2019

Arising Out of PS. Case No.-36 Year-2019 Thana- SHYAMPUR BHATHA District- Sheohar

1. Ram Dulari Devi @ Ram Suri Devi, W/o Shambhu Mahto @ Lakdhu Mahato, resident of Village- Lalgarh Tole Par, P.S.- Shyampur Bhataha, District- Sheohar.
2. Shambhu Mahato, son of Bindeshwar Mahato, resident of Village- Lalgarh Tole Par, P.S.- Shyampur Bhataha, District- Sheohar.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party.

Appearance :

For the Petitioner/s	:	Mr. Pawan Kumar Singh, Advocate.
For the Informant	:	Mr. Devendra Kumar, Advocate.
For the Opposite Party/s	:	Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-02-2020 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 307, 323, 341 & 504 of the Indian Penal Code. Later on Section 302 of the IPC was added.

While the informant was sitting at his door, co-accused Bigu Mahto came on his door and abused him. When the informant protested, he was badly assaulted. Thereafter, all the F.I.R. named accused persons reached there and abused the informant. When the husband and Bhaisur of the informant came to her rescue they also assaulted them with slaps, lathi and danda resultantly they became injured.



It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. The allegation levelled against the petitioners are general and omnibus in nature. The deceased has not whispered any word against the petitioners. There is no direct allegation against the petitioners. There is no eye witness of the occurrence. It is also submitted that similarly situated co-accused persons, namely, Bindeshwar Mahto and Lal Jhari Devi @ Lal Dhari Devi have been granted regular and anticipatory bail by different coordinate Bench of this Court vide order dated 20.11.2019 and 03.02.2019 in Cr. Misc. No.52178 of 2019 and Cr. Misc. No.78349 of 2019 respectively, while co-accused Ganesh Mahto has been granted regular bail by this Court vide order dated 04.12.2019 passed in Cr. Misc. No.78033 of 2019. The petitioners have no criminal antecedent.

Per contra, learned counsel for the informant and learned APP for the State vehemently opposing the bail petition submitted that deceased has succumbed to his injury after five days of the occurrence, hence the petitioners do not deserve anticipatory bail.

Having regard to the facts and circumstances of the case and also considering the fact that petitioner no.1-Ram



Dulari Devi @ Ram Suri Devi being a lady, she is directed to be released on bail, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Sheohar in connection with Bhataha P.S. Case No.36 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Considering the facts and circumstances of case and particularly the allegation levelled against petitioner no.2, I am not inclined to enlarge petitioner no.2 on anticipatory bail. The prayer for anticipatory bail of the petitioner no.2 is hereby rejected.

However, petitioner no.2 is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

Accordingly, this application is disposed of.

(Anjani Kumar Sharan, J)

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