

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38234 of 2020

Arising Out of PS. Case No.-74 Year-2018 Thana- TIKAPATTI District- Purnia

1. Sadhna Devi, aged about 58 years (F), Wife of Late Kusheshwar Mahto,
2. Kalawati Devi, aged about 39 years (F), Wife of Sri Karelal Mahto,
3. Santoli Devi @ Santoliya Devi, aged about 39 years (F), Wife of Sri Dayanand Mahto,
4. Dana Devi @ Danuv Devi, aged about 40 years (F), Wife of Sri Amrit Mahto,
5. Lushi Devi, aged about 37 years (F), Wife of Sri Mukesh Mahto,
6. Daso Devi @ Josa Devi @ Jhaso Devi, aged about 50 years (F), Wife of Sri Shyamlal Mahto,
7. Rukma Devi, aged about 27 years (F), Wife of Sri Amichand Mahto,
8. Rajo Devi @ Radha Devi, aged about 65 years (F), Wife of Late Hiralal Mahto,
9. Shailo Devi, aged about 54 years (F), Wife of Sri Dalit Mahto,
10. Shalo Devi @ Shailo Devi @ Sallo Devi, aged about 45 years (F), Wife of Sri Jaychand Mahto,
11. Sanjit Mahto, aged about 34 years (M), Son of Sri Harilal Mahto,
12. Tanoj Kumar @ Tanoj Kumar Yadav, aged about 45 years (M), Son of Sri Ramjee Yadav.

All resident of village- Goriyar, P.S.- Tikapatti, District- Purnea.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amit Kumar Anand, Advocate
For the State	:	Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 06-07-2021

The matter has been heard *via* video conferencing.

2. The case has been taken up out of turn on the basis
of motion slip filed by learned counsel for the petitioner on
28.06.2021, which was allowed.



3. Heard Mr. Amit Kumar Anand, learned counsel for the petitioners and Mr. Awadhesh Kumar Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

4. The petitioners apprehend arrest in connection with Tikapatti PS Case No. 74 of 2018 dated 06.05.2018, instituted under Sections 147, 149, 341, 342, 186, 224 and 353 of the Indian Penal Code.

5. The allegation against 22 named persons, including the petitioners, and 50 unknown is that when one Santosh Kumar Mahauli was arrested by the police for indulging in gambling and put on a jeep for taking him to the police station, they had forcibly tried to drag him out on the pretext that he should first return their money before going with the police.

6. Learned counsel for the petitioners submitted that as per the allegation itself, only an attempt was made to drag him out of the police vehicle, but the same did not succeed and further, that there was no harm caused, either to any person or any property. Learned counsel submitted that the petitioners have no criminal antecedent and are simple citizens and they may have been bothered about the money taken by the accused and were just wanting him to return their money so that the



same was not lost as they are poor persons for whom such money was hard-earned and had great importance.

7. Learned APP submitted that the petitioners had tried to obstruct in discharging official duty by police.

8. 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. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the concerned Judicial Magistrate, 1st Class, Purnea, in Tikapatti PS Case No. 74 of 2018, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond and give undertaking with regard to good behaviour of the petitioners, (iii) that the petitioners shall cooperate with the Court and police/prosecution. Any violation of the terms and conditions of the bonds or the undertaking or failure to cooperate shall lead to cancellation of their bail bonds.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the



petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

10. The petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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