

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 39090 of 2020

1. Surti Devi w/o Bharat Lal Mahto aged about 35 yrs. (female)
2. Sona Devi w/o Gajadhar Mahto aged about 32 yrs. (female)
3. Sanjo Devi w/o Pappu Mahto aged about 42 yrs. (female)
4. Rina Devi, w/o Ranjeet Mahto aged about 44 yrs. (female)
5. Rampari Devi, w/o Dinesh Mahto aged about 35 yrs. (female)
6. Manju Devi w/o Premchand Mahto aged about 42 yrs. (female)
7. Lalpari Devi w/o Hira Mahto aged about 42 yrs. (female)
8. Dhirendra Mahto s/o Ramsihasan Mahto aged about 44 yrs (male)

All are resident of village-Goriar Purab School tola p.s. Tikapatti, District-Purnia.

9. Pampam Kumar Sahani s/o Parmanand Sahani aged about 48 yrs (male)
10. Parmila Devi w/o Sakaldip Mahto alias Sakaldip Ram aged about 49 years (female)

Both are residence of village-Goriar Purab 1 tola p.s. Tikapatti, District-Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rajani Kumari, Adv.
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-06-2021 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 the learned A.P.P. for the State, Sri Jitendra Kumar Singh.

This is an application for grant of anticipatory bail in connection with Tikapatti P.S. Case No. 74 of 2018 registered for the offence punishable under Sections 147, 149, 341, 342, 186, 224 and 353 of the Indian Penal Code.

At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners no. 8 and 9, to enable them to surrender before the learned court below and seek regular bail. Accordingly, the present petition qua the petitioners no. 8 and 9 stands dismissed as not pressed, however, with liberty to them to surrender before the learned court below and seek regular bail.

The case of the prosecution in brief is that the petitioners and several other co-accused persons had formed unlawful assembly on the alleged date and time of occurrence and had tried to save the co-accused person, namely, Santosh Kumar Mahto,



who was engaged in illicit business of lottery, from the clutches of the police, after the police had arrested him legally and was trying to take him away to the police station.

The learned counsel for the petitioners no. 1 to 7 and 10 submits that the petitioners no. 1 to 7 and 10 are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners no. 1 to 7 and 10 has further submitted that the petitioners no. 1 to 7 and 10 are females and they have been falsely implicated in the present case whereas the fact is that no specific allegation of any sort of overt act has been leveled qua the petitioners no. 1 to 7 and 10.

Per contra, the learned APP for the State, Sri Jitendra Kumar Singh, has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking



into account the materials available on record, this Court finds that as far as the petitioners no. 1 to 7 and 10 are concerned, they are female and no specific allegation of any sort of overt act has been leveled as against them, hence, I deem it fit and proper to enlarge the petitioners no. 1 to 7 and 10 above named, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea, in connection with Tikapatti P.S. Case No. 74 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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