

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4465 of 2021

Arising Out of PS. Case No.-133 Year-2020 Thana- JOGAPATTI District- West Champaran

1. Lalpari Devi, aged about 40 years, Gender-Female, Wife of Madan Mahto
 2. Lalpari Devi, aged about 25 years, Gender-Female, Wife of Chandra Kishore Mahto
- Both Resident of Village - Rudalpur, P.S. Yogapatti, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Advocate
For the State : Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 28-09-2021

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

2. Heard Mr. Sanjeev Kumar Shrivastava, learned counsel for the petitioners and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners apprehend arrest in connection with Yogapatti PS Case No. 133 of 2020 dated 17.04.2020 instituted under Sections 341/ 323/ 327/ 307/ 325/ 354(B)/ 379/447/ 427/ 504/ 506/ 34 of the Indian Penal Code.

4. The allegation against the petitioners and 13 others is of being armed with *lathi*, *danda* and *farsa* and having



assaulted the informant side and also of taking away money.

5. Learned counsel for the petitioners submitted that they are ladies and the only allegation is that they were members of the mob without any specific overt act alleged against them. Learned counsel submitted that the specific allegation of assault is against the male accused members but against the petitioners it is only stated that they were present along with 13 other male members. Learned counsel submitted that the petitioners have no other criminal antecedent.

6. Learned APP submitted that the petitioners were part of the mob. However, it was not controverted that no specific overt act is alleged against them.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in view of there being no specific allegation alleged against the petitioners and they being ladies and having no other criminal antecedent, the Court is inclined to allow their prayer for pre-arrest bail.

8. Accordingly, 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 learned Chief Judicial Magistrate, West Champaran, Bettiah in Yogapatti PS Case No. 133 of 2020, 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 and (iii) that the petitioners shall cooperate with the Court and the police/prosecution. Any violation of the terms and conditions of the bonds or the undertaking or non-cooperation 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 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 of in the aforementioned terms.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
U	
T	

