

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40599 of 2021

Arising Out of PS. Case No.-48 Year-2020 Thana- KRITYANAND NAGAR District- Purnia

1. RANJO DEVI Wife of Dharamveer Mahto Resident of Village- Jhuni Kala Bind Toli, P.S.- K. Nagar, District- Purnea.
2. Neelam Devi Wife of Kailash Mahto Resident of Village- Jhuni Kala Bind Toli, P.S.- K. Nagar, District- Purnea.
3. Jyoti Devi Wife of Bisho Mahto @ Bisheshwar Mahto Resident of Village- Jhuni Kala Bind Toli, P.S.- K. Nagar, District- Purnea.
4. Rani Devi D/o Kailash Mahto Resident of Village- Jhuni Kala Bind Toli, P.S.- K. Nagar, District- Purnea.
5. Bisho Mahto @ Bisheshwar Mahto Son of Kailash Mahto Resident of Village- Jhuni Kala Bind Toli, P.S.- K. Nagar, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr. Kanhaiya Kishore APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-06-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. Ram Prawesh Kumar, learned counsel for
the petitioners as well as learned Additional Public Prosecutor
for the State.

The petitioners apprehend their arrest in connection
with K.Nagar P.S.Case No.48 of 2020 registered for the offences
punishable under Sections 341, 323, 324, 307, 504/34 of the
Indian Penal Code.



At the outset, learned counsel for the petitioner submits that during pendency of the present bail application petitioner no. 5 has been arrested by the police and as such the application with regard to petitioner no.5 has become infructuous.

As per prosecution case, it is alleged that on account of land dispute the brother of the informant, namely Kailash Mahto and his son-in-law namely, Dharmaveer Mahto entered the house of the informant and started abusing and assaulting the family members. It is alleged that all the accused persons armed with lathi, danda assaulted Rinko Devi, Baba Devi, Sanichari Devi and Bhago Devi due to which they sustained injuries.

At the outset, learned counsel for the petitioners submits at the bar that as per his information till date the process under sections 82/83 of the Cr.P.C have not been issued.

It is submitted by the learned counsel for the petitioners that all the petitioners are ladies and there are general and omnibus allegation against them. It is submitted that with regard to the occurrence which has taken place on 05.02.2020, and the present FIR has been instituted on 12.02.2020 but no plausible explanation has been given. It is



further submitted that injuries which is allegedly received on the persons of the injured have been found to be simple in nature, except one injury received on the person of Baba Devi but the same is not inflicted on the vital part of the body rather the same has been received on the hands. It is next submitted that petitioners and the informant are own relatives and on account of land dispute a free fight has been taken place and only with a view to harass petitioners and other family members, their name has been implicated in the present case.

On the other hand, learned APP for the State opposes the bail application of the petitioners and fairly submits that petitioners are ladies and there is no specific allegation against the petitioners.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that petitioners are ladies having no criminal antecedent and injuries have been found to be simple in nature, except one injury which has been sustained on the non vital part, let the petitioners above named, be released on bail, in the event of their arrest or surrender before the court below within eight weeks from today, on furnishing bail bonds 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 K. Nagar P.S. Case No. 48 of 2020 subject to the conditions as laid down under Section 438(2) of the code of Criminal Procedure with the following conditions:-

(I) One of the bailors should be the close relatives of the petitioners.

(ii) The petitioners will cooperate in the investigation as well as in conclusion of the trial.

(iii) They will not try to tamper with the evidence of intimidate the witnesses in course of investigation or during the course of trial.

(Harish Kumar, J.)

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