

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1261 of 2023

Arising Out of PS. Case No.-128 Year-2021 Thana- KATHAIYA District- Muzaffarpur

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1. SABITA @ SABITA KUMARI @ SAVITA Daughter of Dhanai Mahto
 2. Kunti Devi Wife of Dhanai Mahto
 3. Chandan Kumar Son of Dhanai Mahto.
All R/O Vill.- Jasouli, P.S.- Kathaiya, Dist.- Muzaffarpur
- Petitioner/s
- Versus
- The State of Bihar
- Opposite Party/s
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Appearance :

For the Petitioner/s	:	Mr.Rajeev Ranjan No.II, Advocate
	:	Ms. Priyanka Kumari, Advocate
	:	Ms. Kumari Rupa, Advocate
For the Opposite Party/s :	:	Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-04-2023 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners seeks bail, who is in custody since
13.09.2021 in connection with S.Tr.No.417 of 2022 arising out
of Kathaiya P.S. Case No.128 of 2021, F.I.R. dated 12.09.2021
registered for the offence punishable under Sections
147,148,149,323,324,307,302,504 of IPC.

After some argument, learned counsel for the
petitioners seeks permission to withdraw this application with
respect to petitioner No.3 with liberty to move a fresh after
framing of the charges.

Permission is accorded.



Accordingly, this application stands dismissed as withdrawn with respect to petitioner No.3 with the aforesaid liberty.

As per the prosecution case, the eight named accused persons including the petitioners herein are said to have started abusing the wife and brother of the informant and on the informant asking them not to do so, it is stated that Dhanai Mahto, Sunil Mahto, Anil Mahto and Chandan armed with iron rod, knife, sword etc. assaulted the father of the informant. It is further stated that on the informant and other members of the family going to their father's rescue, Sarita, Kabita, Savita, and Kunti Devi (petitioners) attacked and assaulted them. The informant's father died in course of treatment.

Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. Further submits that it appears from the FIR that there is no specific allegation in the FIR who inflicted the iron rod blow upon the father of the informant. There is general and omnibus allegation against all the accused persons. There is specific allegation against co-accused person, namely, Dhanai Mahto, Sunil Mahto, Anil Matho and Chandan Matho who assaulted the father of the



informant. There is no specific allegation against these petitioners. There is specific allegation against only petitioner No.3, namely, Chandan Kumar and the petitioners and the informant are agnates and there is land dispute between them and due to admitted land dispute, the present occurrence had taken place and co-accused person, namely, Kabita Devi @ Kavita Devi @ Kabita @ Kavita Rani has been granted bail vide order dated 19.04.2022 passed in Cr. Misc. No.16490 of 2022 by a Coordinate Bench of this Hon'ble Court and the petitioners are in custody since 13.09.2021.

Learned APP for the State has opposed the prayer for bail of the petitioners.

Considering the aforesaid fact, let petitioners, namely, Sabita @ Sabita Kumari @ Savita and Kunti Devi, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 11th Addl. District and Sessions Judge, Muzaffarpur in connection with S.Tr.No.417 of 2022 arising out of Kathaiya P.S. Case No.128 of 2021, with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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