

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22988 of 2024

Arising Out of PS. Case No.-691 Year-2023 Thana- HARSIDHI District- East Champaran

1. Nagina Mahto Son Of Jai Kaishun Resident Of Village- Math Lohiyar Sahmalwa, Ps- Harisidhi, Dist- East Champaran
2. Kanchan Devi Wife Of Lalbachan Mahto Resident Of Village- Math Lohiyar Sahmalwa, Ps- Harisidhi, Dist- East Champaran
3. Anita Devi Wife Of Jitendra Mahto Resident Of Village- Math Lohiyar Sahmalwa, Ps- Harisidhi, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 15-04-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Harsidhi P.S. Case No. 691 of 2023 instituted under Sections 341, 342, 307, 323, 506 and 34 of the Indian Penal Code.

3. As per the prosecution case, petitioner no. 1 is the father-in-law and petitioner nos. 2 and 3 are *devrani* of the informant against whom the allegation is that they had assaulted the informant with *lathi* and iron rod.

4. Learned counsel for the petitioners submits that



earlier the informant had lodged complaint case against the petitioners and others in which the petitioner nos. 1 and 3 are on bail and informant has falsely lodged this case against the petitioners, thus making the false allegation. He further submits that the injuries on the informant are superficial and simple in nature. He also submits that no case is made out under Section 307 of the Indian Penal Code. The petitioners have no concern with the family affairs of the informant and her husband. He further submits that the FIR was lodged after three days without giving plausible explanation which creates doubt in the prosecution case and there is one criminal antecedent against petitioner nos. 1 and 3 for dowry torture earlier lodged by the informant whereas petitioner no. 2 has no criminal antecedent. The petitioners are ready to co-operate in the investigation and the trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering 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. 10,000/- (ten thousand) each with two sureties



of the like amount to each to the satisfaction of the learned
Judicial Magistrate- 1st Class, Motihari, East Champaran in
connection with Harsidhi P.S. Case No. 691 of 2023, subject to
the conditions laid down in Section 438(2) of the Code of
Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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