

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31514 of 2024

Arising Out of PS. Case No.-76 Year-2023 Thana- ANDHRATHARHI District- Madhubani

1. Dinesh Mahto Son of Late Ramashish Mahto R/o- Village - Pastan, P.S- Andhrathadi, Distt- Madhubani
2. Mangali Devi Wife of Late Ramashish Mahto R/o- Village - Pastan, P.S- Andhrathadi, Distt- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratnakar Jha, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-05-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with G.R. No. 1056 of 2023 arising out of Andhrathadhi P.S. Case No. 76 of 2023 for the offence under sections 147, 149, 341, 323, 354(B), 379, 504, 325, 506 of the I.P.C. lodged on 13.06.2023 by the informant, Arhuliya Devi.

3. As per the prosecution story, the informant alleged that due to land dispute, the accused persons came and the petitioner no. 1 tried to disrobe the informant and when the parents-in-law came to save, were assaulted. Further, when the husband of the informant came, petitioner no. 1, Dinesh Mahto as also Mahesh Mahto assaulted causing head injury and fracturing of the left arm. Further, allegation of snatching is there. Accordingly, the FIR.



4. Learned counsel for the petitioners submit that there is case and counter case and the petitioners do not have criminal antecedent.

5. Learned APP, Mr. Jitendra Kumar Singh opposes the prayer stating that though there is case and counter case, the injury on the husband of the informant inflicted by Dinesh Mahto has been found to be grievous.

6. Taking into account the submissions put forward by the parties, so far as the petitioner no. 1, Dinesh Mahto is concerned, his anticipatory bail application stands rejected.

7. Regarding petitioner no. 2, Mangali Devi, considering the fact that she is a lady, do not have criminal antecedent, aged person and there is no direct allegation against her, this Court is inclined to extend her the privilege of anticipatory bail with conditions.

8. Let the petitioner no. 2, Mangali Devi be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Jhanjharpur, in connection with G.R. No. 1056 of 2023 arising out of Andhrathadhi P.S. Case No. 76 of 2023



subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner no. 2, Mangali Devi who shall provide official document to show his/her bona fide;

(ii) the petitioner no. 2, Mangali Devi shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioner no. 2, Mangali Devi shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner no. 2, Mangali Devi shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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