

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60527 of 2025

Arising Out of PS. Case No.-75 Year-2025 Thana- LAUHIYANAGAR District- Begusarai

1. Rita Devi W/o Late Dipal Mahto R/o Vill- Bagha, P.S.- Lohianagar, Distt- Begusarai
2. Sawan Devi @ Savita Kumari D/o Late Badlu Mahto R/o Vill- Birpur, P.S.- Birpur, Distt- Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the State	:	Mr. Chandra Sen Prasad Singh, A.P.P.
For the Informant	:	Mr. Ran Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 21-11-2025 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Lohianagar P.S. Case No. 75 of 2025 registered for the offences punishable under Sections 61(2), 103(1) of BNS and Section 27 of the Arms Act.

3. As per prosecution case, co-accused Alok Kumar, Rahul Kumar, Prem Kumar and Ramesh Kumar armed with two pistols came and unleashed indiscriminate firing upon informant's husband and Prince @ Nippo (friend of informant's husband) as a result of which informant's husband and Prince @



Nippo sustained injury. It is alleged that petitioners also exhorted the co-accused persons for firing. It is alleged that informant's husband and Prince @ Nippo were taken to the hospital where during the course of treatment informant's husband died.

4. Learned counsel for the petitioners submits that Amit Mahto, who is husband of the informant, killed the husband of petitioner no. 1 for which Lohianagar P.S. Case No. 419 of 2018 was instituted against Amit Kumar (since deceased), Mithun Kumar @ Baigan, Ajit kumar and others. He further submits that Lohianagar P.S. Case No. 419 of 2018 was committed to the Court of Sessions and after framing of charge the case is going on evidence. He further submits that Amit Mahto has been declared absconder in the said case and proceeding of Section 82 of the Cr.P.C. has been issued by the concerned court and he has not appeared before the court and Lohianagar P.S. Case No. 419 of 2018 reflects that how the husband of the informant was alleged to be the accused in the case of Lohianagar P.S. Case No. 419 of 2018 in which the husband of the petitioner was alleged to be killed by the Amit Mahto and others. On account of said reason, she has been falsely implicated in the present case and the FIR clearly reflects



that how the manner of occurrence has taken place as four co-accused persons started firing and the informant's husband and others sustained injury and from the averments of FIR, it clearly indicates that the occurrence took place and thereafter, the name of the petitioners has been shown that they are order giver of the present case. He further submits that petitioners are ladies and false case has been framed against the petitioners showing that they are order givers. Learned counsel orally submits that in para 26 of the case diary that movement of petitioners was not captured in CCTV footage. He further submits that petitioner no. 2 bear no criminal antecedent and petitioner no. 1 bears criminal antecedent of one case in which she is on bail. Petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case.

5. The learned counsel for the informant and learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioners by submitting that petitioners are order giver and they cannot escape from the allegation made in FIR as the informant has sustained fire armed injury which is supported by postmortem report.

6. Considering the facts and circumstances of the



case, there is no specific overt-act against the petitioners and they are ladies, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Lohianagar P.S. Case No. 75 of 2025, subject to the conditions as laid down under Section 482 (2) of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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