

In the Court of VIII, Addl. Sessions Judge,
District :-Gopalganj (Bihar),
A.B.P.No. 1988 of 2020

In the matter of :-

1. Meena Devi wife of Suresh Mahato,
2. Sudarshan Mahato son of Ramjash Mahato,

:-----Petitioners.

Versus.

The State of Bihar :-----Opp.party.

Ld. Counsel for the Petitioner :- Shri Prashant Kr. Shrivastava, Advocate,

Ld. Counsel for the State :- Shri Deo Vansh Giri, P.P.

21-12-2020

O r d e r.

Accused petitioners namely, Meena Devi and Sudarshan Mahato, apprehending their arrest in connection with Kateya P.S.case no. 383/2020 registered u/s 341, 323, 325, 379, 354, 308, 504, 34 I.P.C., have prayed for grant of anticipatory bail

Heard the learned counsel appearing on behalf of the petitioners as well as the learned P.P. for the State.

Prosecution case, in brief, is that the informant Kalawati Devi, launched prosecution, presenting written report, stating therein that she has got executed sale deed from one Amod Singh area 1 Katha in which she has put her Palani. On 12-11-2020 at 2:00 p.m. all the accused persons including the petitioners began devastating and throwing her Palani. When the informant made protest of it, all the accused persons began assaulting her by hurling abuse and also pulled and torn her Saree and blouse, due to which she became half-naked. When the mother-in-law Shanichari Devi, Nanad Lalsa Devi came to save the informant, they were also assaulted with Lathi and Danda and iron rod and Ashok Singh assaulted Shanichari Devi with iron rod causing injury on her forehead and her Nanad Lalsa Devi sustained injury on her eye and during course thereof, Binodanand Singh snatched the Mangal Sutra of the informant. Nearby people came and saved them.

Submission of the learned counsel for the petitioners is that they are innocent and have committed no offence and have been falsely implicated in this case due land dispute. It is also submitted that there is counter version of the

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occurrence viz Kateya P.S. case No. 387/2020 and both the parties are Pattidars and the petitioner have purchased the land in question from Khatiyani Raiyat and the same land was purchased by the informant from another person and in order to dispossess the petitioners, the informant has filed this false case. It is further submitted that no offence u/s 308 I.P.C. is made out against the petitioners and there is no allegation of outraging the modesty of informant and allegation of theft is super-addition. The petitioners apprehend their arrest, hence, they may granted pre-arrest bail.

Learned P.P. opposed the prayer for bail and submitted that the witnesses in case diary have supported the allegation.

Having heard both the parties, I have gone through the case along with case diary. It appears that both parties are Pattidar and there is land dispute between the parties. It also appears that the petitioners have purchased the land in question in the year 2019 and the informant has purchased the same land in the year 2020. It also appears that there is counter version of the occurrence viz Kateya P.S. case No. 387/2020 and there is no allegation of outraging the modesty of the informant and allegation of theft appears to be ornamental.

Having regards to the facts and circumstances of the case, let the petitioners, in the event of their arrest or surrender before the court below, are directed to be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the court below subject to condition as laid down u/s 438(2) Cr.P.C.

Petitioners will surrender before the court below after over of Covid-19. (Dictated)

I/C.VIII, Addl.Sessions Judge,