

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50764 of 2014

Arising out of PS.Case No. -244 Year- 2013 Thana -VAISHALI District- VAISHALI(HAJIPUR)

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1. Jilebiya Devi W/o Rajgir Mehto.
 2. Jaypatiya Devi W/o Bindeshwar Mahto.
 3. Fulpatiya Devi W/o Bindeshwar Mahto. All are resident of village - Dharmpur Thikhan, P.S-Vaishali Dist-Vaishali.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Sabal Kumar Jha, Advocate.

For the Opposite Party : Mr. Mustaque Alam (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 14-05-2015 The petitioners are apprehending their arrest in connection with Vaishali P.S. Case No. 244 of 2013 for the offences instituted under Sections 147, 148, 149, 341, 323, 324, 436 and 504 of the Indian Penal Code.

Heard learned counsel for the petitioners and learned counsel for the State.

The prosecution story, in brief, is that on 20.09.2013 at 4.00 P.M. when the informant and his mother Punakaliya Devi had come from Hajipur Court, in the meantime, all the accused persons including the petitioners named in the F.I.R. had come to their house from Hajipur Court by tempo. It is alleged that all the accused persons abused and assaulted the informant and his



mother and when the informant made protest, accused Bisheshwar Mahto gave a blow with Farsa on the head of the informant and his mother causing bleeding injuries to them on head. Accused Bindeshwar Mahto gave a Farsa blow on the head of the mother of the informant due to which her head was fractured and blood started. It is alleged that accused Sonelal Kumar and Ravi Kumar came with sword and Farsa and abused and assaulted the informant and they all set fire the house of the informant due to that all the articles burnt to ashes.

It has been submitted on behalf of the petitioners that no specific allegation has been made against the petitioners nor there is any specific overt act alleged against them.

From perusal of Annexure-2, it appears that a counter case was also instituted by the husband of the petitioner no. 1. It is further submitted that a Title Suit No. 38 of 1996 was also filed by the petitioners against the informant in which the informant was a defendant and the said Title Suit has been decided in favour of the petitioners and due to these reasons the petitioners have falsely been implicated in the present case.

On behalf of the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the fact that a counter case has also been

instituted by the husband of the petitioner no. 1 and a title suit has also been decided in favour of the husband of the petitioner no. 1, let the above named, petitioners, be released on bail in the event of their arrest or surrender before the learned court below within a period of four weeks from today in connection with Vaishali P.S. Case No. 244 of 2013 on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Vaishali at Hajipur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

(Sudhir Singh, J)

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