

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4663 of 2017

Arising Out of PS.Case No. -224 Year- 2016 Thana -DHURAIYA District- BANKA

- =====
1. Manohar Mandal
 2. Bijendra Mandal,
 3. Jai Hind Mandal, 1 to 3 Sons of Bhairo Mandal.
 4. Manorma Devi, Wife of Manohar Mandal,
 5. Rina Devi, daughter of Manohar Mandal,
 6. Babita Devi, Wife of Bijendra Mandal,
 7. Lalita Devi, Wife of jai Hind Mandal, All Resident of Village-
Chandpur, Police Station-Dhoraiya, District-Banka

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioners : Mr. Syed Masleh-Uddin Ashraf, Advocate
For the Opposite Party : Mr. Jitendra Kumar Singh (APP)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 28-03-2017 Heard learned counsel for the petitioners and learned
counsel representing the State.

The petitioners apprehend their arrest in connection with Dhoraiya P.S. Case No. 224 of 2016, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 307, 379, 504, 506 of the Indian Penal Code and Section 4 of the Prevention of Witch Practices Act.

Allegedly, the petitioners and other co-accused being armed with lathi, danda, bricks, stone and rod entered into the house of the informant abused her and after saying her 'Dain' dragged her and then daughter Lakho Devi and Pinki Devi came



for rescue then they were assaulted by ladies accused and the informant was taken out from the house, she was made naked and thereafter on the order of Bhairo Mandal, Balmiki Mandal Jaikishore Mandal, Manohar Mandal assaulted her with lathi, bricks and rod causing head injury and she fell down and when her husband came for rescue he was also caught and on the order of Bhairo Mandal, Jaihind Mandal and Mohan Mandal tried to outrage the modesty of the informant and further looted away the articles valuing Rs. 10,000/- from the house, inspite of proceeding under Section 107 of Cr.P.C. this occurrence has been caused.

Submission is of false implication and that F.I.R. has been lodged after delay, the petitioner nos. 4 to 7 are ladies, there is no specific allegation against the petitioners and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail by submitting that the petitioners have committed heinous crime by assaulting the informant saying her 'Dain' and making her naked.

In the facts and circumstances as stated above, considering the allegation attributed against the **petitioner no.1 to 3, I am not inclined to grant privilege of pre-arrest bail to them and accordingly their such prayer stands rejected.**



However, considering that **petitioner nos. 4 to 7 are ladies and, as such, the petitioners in the event of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each** with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Dhoraiya P.S. Case No. 224 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

Rajiv/-

U		T	
---	--	---	--

