

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.46868 of 2016**

Arising Out of PS.Case No. -59 Year- 2016 Thana -SINGHIYA District- SAMASTIPUR

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1. Kailash Jha @ Kailash Kumar Jha Son of Dev Swaroop Jha  
2. Ranjan Kumar Jha  
3. Tripurari Jha @ Tripurari Kr. Jha Petitioner 2 and 3 are sons of Kailash Jha all residents of Village- Wari, Police Station- Singhiya, District- Darbhanga.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Yogindra Mishra, Adv.  
For the Informant : Mr. Krishna Prasad Singh, Adv.  
For the Opposite Party/s : Mrs. Renu Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**

**ORAL ORDER**

5      17-01-2017                      Heard Mr. Yogindra Mishra learned counsel for the petitioner, Mr. Krishna Prasad Singh learned counsel for the informant and learned A.P.P.

The petitioners apprehend their arrest in Singhiya P.S. Case No. 59/2016, registered for the offences punishable under Sections 379, 323 and other sections of the Indian Penal Code.

The informant Archana Jha alleged that on 04.06.2016 at about 4.30 in the evening while her husband and father-in-law were not present in the house, Kailash Jha, Ranjan Kumar Jha and Tripurari Jha came and entered into her house



breaking the door. They enquired about her father-in-law and thereafter, Ranjan Kumar Jha and Tripurari Jha dragged her outside the room made her semi-nude and assaulted her. On alarm when her father-in-law came, the accused persons also assaulted him with iron rod.

Learned counsel for the petitioners submits that the petitioners are agnates of the husband of the informant. There is some land dispute between the parties. From the side of the petitioner Singhiya P.S. Case No. 60/2016 is registered under Section 307 and other sections of the Indian Penal Code. Petitioner no. 1 and his father were brutally assaulted by the side of the informant. The hand of the father of petitioner no. 1 was fractured. It is further submitted that during the course of investigation the Dy. S.P. found the case false against Ranjan Kumar Jha petitioner no. 2, as he was not present on the place of occurrence. The allegation of theft is also not found correct.

Mr. Krishna Prasad Singh learned counsel for the informant submits that there is allegation against Ranjan Kumar Jha and Tripurari Jha that they dragged their aunt outside the house and assaulted her after making her semi-nude. Offence under Section 354B of the Indian Penal Code is made out. The S.P. also supervise the case and found the case true, but it appears



that the petitioners and the husband of the informant are close agnates and some dispute arose between the two sides in which there is case and counter case. Petitioner no. 1 Kailash Jha lodged the case against family members of the informant including the informant and the informant also lodged the case.

Considering the facts aforesaid, the petitioners above-named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Samastipur in connection with Singhiya P.S. Case No. 59/2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

**(Prabhat Kumar Jha, J.)**

Vinita/-

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