

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.61880 of 2017

Arising Out of PS.Case No. -382 Year- 2017 Thana -FATUHA District- PATNA

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1. Khushabu Kumari, W/o Sunil Kumar,
 2. Sunil Kumar S/o Parmanand Singh, Both R/o Village- Hajipur, P.S.- Fathua, District- Patna (Bihar).
 3. Chandan Kumar S/o Nageshwar Singh, R/o Village- Nishibu Chak, P.S.- Fathua, District- Patna (Bihar).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/s : Mr. Sri Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 21-12-2017

Heard learned counsel for the petitioners

and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 379, 504 and 307/34 of the Indian Penal Code.

The prosecution case, as per the written report of informant Parmanand Singh submitted to the SHO, Fatuha Police Station, is to the effect that on 31.08.2017 (which appears to have been wrongly mentioned as 31.09.2017) at 8.00 P.M. the son of the informant, Sunil Kumar, petitioner no. 2, Shankar Kumar (non-petitioner), Mugia Devi, Wife of Shankar



Kumar (non-petitioner), Khushbu Kumari, petitioner no. 1, wife of petitioner no. 2 Sunil Kumar and Chandan Kumar, petitioner no. 3, brother of Khushbu Kumari, petitioner no. 1, entered into the house, abused the informant, dragged him by neck with a towel and tried to strangle him. Petitioner no. 1 Khushbu Kumari snatched chain from the wife of the informant, petitioner no. 2 Sunil Kumar snatched earring from the wife of the informant and Shankar Kumar took out Rs.2500/- from the pocket of the informant.

It is submitted by learned counsel for the petitioners that the petitioner no. 1 is the daughter-in-law of the informant, whereas petitioner no. 2 is the son of the informant and petitioner no. 3 is the brother of petitioner no. 1 and brother-in-law of petitioner no. 2. The further case of the petitioners is that in the background of some dispute in the family, earlier the petitioners' side lodged Complaint Case No. 819 of 2017 and thereafter the present case has been lodged. It is further submitted that the date of occurrence is 31.09.2017 but the FIR was registered on 01.09.2017, but it appears to be a bonafide mistake as the date of occurrence has been mentioned in column B of the FIR as 31.08.2017. It is further submitted that no injury has been caused.



It is submitted by learned APP that the son, daughter-in-law and the brother-in-law of petitioner no. 2 have tried to strangle the father.

Considering the nature of accusation and the relationship between the parties, let the above named petitioners be released on anticipatory bail provisionally for six months, in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Patna City in connection with Fatuha P.S. Case No. 382 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.,

The Station House Officer of local Police Station will record the statement of the informant and his wife periodically on monthly basis and transmit it to the learned Court below. The provisional bail shall be confirmed only when the learned Court below is satisfied that the petitioners are not misbehaving with the informant or his wife.

(Dinesh Kumar Singh, J)

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