

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61937 of 2018

Arising Out of PS.Case No. -74 Year- 2017 Thana -MAKHDUMPUR District- JEHANABAD

- =====
1. Umesh Kumar, Son of Dev Rajit Singh.
 2. Siyamani Devi, Wife of Umesh Kumar, Both resident of Village-Pathra, Police Station- Makhdumpur, District- Jehanabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Narayan Singh

For the Opposite Party/s : Mr. Sri Shailendra Kumar -1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 06-10-2018

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, 307 and 504/34 of the Indian Penal Code.

The FIR has been lodged by an unfortunate father namely, Deorajit Singh by submitting the written report to Superintendent of Police, Jehanabad alleging therein that the informant after having retired from BCCL in 2014 resides at his village along with his wife and brother. The petitioner no. 1, being the eldest son and petitioner no. 2, being the wife of petitioner no. 1 demanded Rs.Ten lakhs from the retiral benefits



of the informant, though, the petitioners after being partitioned from the joint family mess reside separately. It is also alleged that both the petitioners assaulted the informant.

It is submitted by learned counsel for the petitioners that the petitioners wanted to sell some joint property for providing medical assistance to their child who subsequently, succumbed to the ailment and in that background there was some hot exchange between the petitioners and the informant and in that background the present case has been lodged.

This Court has no sympathy to such a son where the father is at his old age of retirement and he is on the verge being assaulted by the petitioners, but keeping view the fact that admittedly no injury was caused and for the occurrence of 26.03.2017, the FIR was registered on 12.04.2017 coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, this Court is inclined to grant provisional anticipatory bail to the petitioners for six months, let the above named petitioners 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 Chief Judicial Magistrate, Jehanabad in



connection with Makhdumpur P.S. Case No. 74 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The learned Court below will get report from the Officer-in-Charge of local police station every month and when the learned Court below will be satisfied that the petitioners, in no way, are inflicting torture or threatening to the informant or creating any disturbance in his retired life, then only the learned Court below will confirm the provisional anticipatory bail of the petitioners.

(Dinesh Kumar Singh, J)

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