

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37951 of 2018

Arising Out of PS. Case No.-31 Year-2018 Thana- MOHIUDDIN NAGAR District-
Samastipur

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1. Jai Kant Rai, S/o- Ram Nand Rai,
 2. Rama Nand Rai, S/o- Late Jagdeo Rai,
 3. Mala Devi, W/o- Jai Kant Rai,
 4. Soni Devi, W/o- Babloo Rai,
 5. Manki Devi, W/o- Rama Nand Rai, All are R/o- Vill.- Tetarpur,
P.S.- Mohiuddinnagr, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Choudhary Shyam Nandan
For the Opposite Party/s : Mr. Sri Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-07-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 323, 324, 341, 354, 379, 447, 504 and 506 of the IPC.

The prosecution case, as per the written report of Ramchandra Das, submitted to the Station House Officer, Mohiuddin Nagar Police Station on 25.03.2018, is to the effect that on 23.03.2018 at 6 PM the informant returned to his home, in the meantime, the accused persons including the petitioners came to the house of the informant and started abusing and on protest being made, petitioner no.5, Manki Devi pushed the informant and started pulling his testicles, when petitioner no. 1,



Jai Kant Rai entered into the house and tore the blouse of the daughter-in-law of the informant with intention to outrage her modesty but when he failed to succeed in his mission, then he assaulted her with lathi. It is further alleged that petitioner no.2, Rama Nand Rai assaulted the wife of the informant with farsa causing bleeding injury, whereas petitioner no.3, Mala Devi assaulted Phul Sundar Devi with lathi. Petitioner no.4, Soni Kumari snatched Mangalsutra from the neck of Phul Sundar Devi.

It is submitted by learned counsel for the petitioners that the petitioners are the agnates of the informant and in the background of partition dispute, the accusation has been levelled since the informant's side were obstructing the petitioners to make construction. Accusation levelled under Section 354 IPC is cosmetic in nature. The injuries caused to the informant's side have been found to be superficial simple in nature.

It is further submitted that for the occurrence of 23.03.2018, the FIR was lodged on 25.03.2018. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that there is specific accusation of



assault against the petitioners.

Considering the genesis of occurrence, delayed lodging of the FIR and the injuries of the informant's being found to be simple in nature, let the above named petitioners be released on anticipatory bail in the event of arrest/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 like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in connection with Mohiuddin Nagar P.S. Case No. 31 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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