

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52294 of 2018

Arising Out of PS.Case No. -231 Year- 2018 Thana -SUGAULI District- EASTCHAMPARAN
(MOTIHARI)

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1. Rajesh Singh @ Rajesh Kumar Singh,
 2. Mukesh Singh, Both Sons of Jamadar Singh @ Gajendra Singh,
 3. Reema Devi, W/o Rajesh Singh @ Rajesh Kumar Singh,
 4. Lalita Devi, W/o Late Jamadar Singh @ Gajendra Singh, All are
Residents of Vill.- Pachbhidwa, P.S.- Sugauli, Distt.- East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Jitendra Kumar Giri, Advocate.

For the Opposite Party : Mr. Satya Nand Shukla, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 04-09-2018 It has been submitted by learned counsel for the

petitioners that the petitioner no. 2 Mukesh Singh is a juvenile.

Hence, learned counsel for the petitioners seeks permission to

withdraw the anticipatory bail application of petitioner no. 2

Mukesh Singh so that he may approach before the Juvenile Justice

Board.

Permission is accorded.

The present anticipatory bail application on behalf of

petitioner no. 2 Mukesh Singh is dismissed as withdrawn in

connection with Sugauli P.S. Case No. 231 of 2018, pending in the

court of learned C.J.M. at Motihari, East Champaran.



Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 341, 323, 498(A), 324, 354(B), 379, 504 and 506/34 of the IPC.

The prosecution story, in brief, is that after death of husband of the victim, the petitioners abused and assaulted her, though the land has already been partitioned and a partition suit is also going on in the court of Sub Judge-IX, Motihari vide P.S. No. 522/2016. Petitioner no. 3 Reema Devi wanted to pour kerosene oil on her body with intent to kill her and her *Dewar* torn her blouse. The accused persons took out the ornament after breaking the Box and cash Rs. 5,000/-.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case due to petty family dispute. The petitioners are in-laws of the victim. They are separate in mess and property from the late husband of the victim. The case is triable by the Magistrate. The petitioners have further relied upon the judgment of this Court in the case of Md. Naimul Haque Ansari @



Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, let the petitioners (except petitioner no. 2 Mukesh Singh) above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. at Motihari, East Champaran, in connection with Sugauli P.S. Case No. 231/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

