

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52401 of 2018

Arising Out of PS.Case No. -458 Year- 2016 Thana -BANKA District- BANKA

- =====
1. Umesh Das, Son of Puran Das,
 2. Dewanti Devi @ Jaymanti Devi, Wife of Umesh Das,
 3. Bishwajit Kumar, Son of Umesh Das, All are resident of Village- Badi Bishahar, P.S.- Barahat, District- Banka.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

=====

Appearance :

For the Petitioners : Mr. Sanjay Kumar Jha, Advocate.

For the Opposite Party : Mr. Ram Sumiran Roy, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-09-2018 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 147, 148, 149, 341, 323, 307, 354(B), 504, 427 and 506 of the IPC.

The prosecution story, in brief, is that the petitioners and others demolished mud house of the informant and on objection, they assaulted him and got him down on the earth and when her wife Basanti Devi came on rescue then petitioner no. 1 Umesh Das ordered to assault and removed her cloth by Umesh Das by which she became naked and when co-villagers Rupesh Das, Panchanan Das, Surya Narayan Das, Kuldip Das came to



rescue then Umesh Das posed himself as policeman and when the informant proceeded for P.S., then Umesh Das, Jaymanti Devi, Bishwajit Kumar, Indrajit Kumar, Manisha Kumari, Minu Kumari, Ravi Das, Dilip Das, Jaldhar Das started assaulting to him near the house of Rupesh Das and on raising alarm when Rudo Devi, Parmanand Das, Kuldip Das came then they entered into the house in Rupesh Das and again started assaulting to him. The informant has further alleged that Umesh Das damaged car kept inside the house of Parmanand Das by Khanti and when Kuldip Das came to save then he also assaulted to Kuldip Das by Iron Khanti on his head by which he fell down on earth causing bleeding injury.

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. It is case and counter case between the parties. Nature of injury is said to be simple. No offence under Section 307 of the IPC is made out.

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

Considering the aforesaid facts and circumstances, let the petitioners 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. Banka, in connection with Banka (Barahat) P.S. Case No. 458 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)

