

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56603 of 2018

Arising Out of PS. Case No.-271 Year-2018 Thana- DURGAWATI District- Bhabhua
(Kaimur)

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1. Santosh Prajapati, Son of Late Damari Prajapati,
 2. Arjun Prajapati Son of Santosh Prajapati,
 3. Bhim Prajapati, Son of Santosh Prajapati,
- All resident of Village - Madhura, P.S.- Durgawati, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey
For the Opposite Party/s : Mr. Khurshid Anwar

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 10-10-2018 Heard learned counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

Petitioners apprehend arrest in connection with
Durgawati P.S. Case No. 271 of 2018 for offences alleged under
Sections 341, 323, 325, 354(B), 447, 504, 506, 34 of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is
that her husband was abused and assaulted by the petitioners
and thereafter they assaulted her son Rohit Kumar, the
informant and her daughter Bittu Kumari and also torn their
cloths but they were rescued by the intervention of the villagers.

It has been submitted by the learned counsel for the



petitioners that they are innocent, bear no criminal history and petitioner no.1 is the own brother of the informant's husband Binod Prajapati and petitioner no. 2 and 3 are the sons of petitioner no. 1, as such, all are close family relatives and due to a minor incident such occurrence took place. He submits that Section 354-B of the IPC is not made out against the petitioners on account of being first cousins.

However, learned counsel appearing for the informant vehemently opposes the prayer for bail stating therein that the informant and all her family members have been severely assaulted and injury was on the vital part of the body i.e. skull and neck.

Learned APP for the State opposes the prayer for bail, although as per the injury report he submits that the injury is simple in nature on the informant's side as per the injury report available in the case diary.

Considering the facts and circumstances and the materials on record, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of eight weeks from today, be released on bail 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, Kaimur at Bhabua, in connection with Durgawati P.S. Case No. 271 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C. with further condition that if the petitioners indulge in an offence of similar nature, the prosecution will be at liberty to move the learned court below for cancellation of their bail bonds.

(Nilu Agrawal, J)

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