

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5063 of 2019

Arising Out of PS. Case No.-110 Year-2018 Thana- MADHUBAN District- East Champaran

1. Rita Devi, aged about 56 years (female), Wife of Sakal Deo Rai
2. Phulmati Devi, aged about 58 years (female), Wife of Lal Bahadur Rai
3. Shanti Devi, aged about 56 years (female) Wife of Jang Bahadur Rai
4. Sushila Devi, aged about 58 years (Female), wife of Jai Narayan Rai
5. Sima Devi, aged about 32 years (female), wife of Brij Kishor Rai
6. Suman Kumari, aged about 18 years (female), daughter of Jai Narayan Rai All Resident of Village- Jogaulia Bhagwanpur, Police Station- Madhuban, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-01-2019 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 379, 504 and 506 of the IPC.

The prosecution case, as per the written report of Manoj Singh, dated 19.06.2018, submitted to the Station House Officer, Madhuban Police Station, is to the effect that on 18.06.2018, at about 8 A.M., co-accused Ranjeet Rai was arrested in connection with Madhuban P.S. Case No. 43 of 2018, but in retaliation to the said arrest, 13 accused persons including



the petitioners came variously armed at the door of the daughter of the complainant when on the order of co-accused Jai Narayan Rai, all the accused persons started assaulting the daughter of the complainant. It is specifically alleged that co-accused Brij Kishore Rai, assaulted the wife of the complainant with farsa, causing bleeding injury, whereas co-accused Sakal Deo Rai assaulted the brother of the complainant, namely, Sanjay Singh with lathi causing fracture injury on his leg and when the another brother of the complainant, namely, Vijay Singh came to rescue him, he was also assaulted by all the accused persons. It is further alleged that the accused persons also took away cash of Rs. 60,000/- and jewellery and cloths worth Rs. 1,00,000/- from the house of the informant.

It is submitted by learned counsel for the petitioners that specific accusation of assault is not against the petitioners. The accusation against the petitioners is omnibus and general. It is further submitted that there is counter version of the occurrence, being Madhuban P.S. Case No. 148 of 2018, registered for the offences under Sections 147, 148, 149, 341, 323, 324, 372 and 504 of the IPC.

Learned APP submits that the petitioners are named in the FIR.



Considering the fact that specific accusation of assault is not against the petitioners and neither the impugned order nor does the FIR suggest that any one from the complainant's side has received any grievous injury, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, 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 ACJM-IV, East Champaran at Motihari in connection with Madhuban P.S. Case No. 110 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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