

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16957 of 2019

Arising Out of PS. Case No.-459 Year-2018 Thana- SAUR BAZAR District- Saharsa

1. Manju Devi, aged about 50 years, Female, W/o Biru Mandal R/o Village- Surmaha Rahi Tola, P.S.- Sour Bazar (Patarghat OP), District- Saharsa.
2. Biru Mandal, aged about 55 years, Male, S/o Late Nand Lal Mandal, R/o Village - Surmaha Rahi Tola, P.S.- Sour Bazar (Patarghat OP), District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiva Shankar Sharma

For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 26-03-2019 Heard both sides.

Petitioners apprehend their arrest in Sour Bazar (Patarghat OP) P.S. Case No.459 of 2018, registered under Sections 341, 323, 354, 379, 436, 504 and 506/34 of the Indian Penal Code.

The informant alleged that the accused persons assaulted her and took away different articles from her house. They also set her house ablaze.

Learned counsel for the petitioners submits that there is no specific allegation against petitioner no.1, Manju Devi, who is wife of petitioner no.2, Biru Mandal. Biru Mandal is the order giver. According to the FIR, Munna Kumar and Raushan Kumar are alleged to have assaulted the informant. Munna Kumar and Raushan Kumar have already been enlarged on anticipatory bail by the learned Sessions Judge but the prayer for anticipatory bail of the petitioners



has been rejected without assigning any reason. The case of the petitioners stand on the better footing. The informant is co-sharer of the petitioners and on account of land dispute she lodged the case making false and frivolous allegations. The house of the informant was not burnt rather during the course of investigation, it was found that husk house was burnt.

Taking into consideration the facts and nature of allegations made against the petitioners and the fact that similarly situated other co-accused, namely, Munna Kumar and Raushan Kumar have already been enlarged on anticipatory bail by the learned Sessions Judge, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of this order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Saharsa in connection with Sour Bazar (Patarghat OP) P.S. Case No.459 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

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