

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27399 of 2019

Arising Out of PS. Case No.-325 Year-2018 Thana- HARNAUT District- Nalanda

1. Shivnandan Bind @ Shiv Nandan Prasad, Son of Late Tusan Bind @ Late Deoki Bind Resident of Village- Patasia, P.S.-Harnaut, District-Nalanda.
2. Ravindra Bind Son of Shivnandan Bind Resident of Village-Patasia, P.S.-Harnaut, District-Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Sinha

For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 18-07-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Harnaut P.S. Case no. 325 of 2018, registered under Sections 341, 323, 325, 307/34 and 302 of the Indian Penal Code.

The accusation is that the marriage of Mangali Devi, daughter of the informant, Dulari Devi was performed before 15 years with Raja Ram Bind, son of Deonandan Bind and Raja Ram Bind used to reside at Chandigarh for his livelihood and daughter of the informant used to reside separately, at her matrimonial village, where she was being



tortured by her father-in-law Deonandan Bind giving threatening to kill her. Mangali Devi sent message to her mother (informant) that her father-in-law Deonandan Bind is making conspiracy to kill her. Thereafter, informant along with other villagers went to the matrimonial home of her daughter Mangali Devi and tried to convince Deonandan Bind, but he started to abuse, when villagers of informant made protest then 7 other accused named in the F.I.R. including the petitioners locked the informant and her villagers in a room causing assault through iron rod and at 10.00 A.M., informant and her villagers were taken to Police Station and from there they were taken to Hospital for treatment. In the occurrence, Nitish Bind assaulted Ajay Kumar through iron rod as a result of which stomach of Ajay Kumar was teared and he was taken to Harnaut Hospital from where he was referred to P.M.C.H, Patna and again he was referred to AIMS, Phulwari, Patna.

Learned counsel for the petitioners submits that petitioners are the Gotiya of co-accused Deonandan Bind and due to that reasons, they have falsely been implicated in this case. Moreover, the allegation of causing injury to deceased Ajay Kumar is against accused Nitish Bind. Further submission is that, later on, Dulari Devi (informant) filed an application on



05.04.2019 to the effect that Ajay Kumar was suffering from stomach disease and he died after operation in IGMS, Patna in course of treatment and her daughter is living at her matrimonial house peacefully. Further submission is that occurrence took place on 06.08.2018, but the informant lodged the complaint case on 21.08.2018 without any explanation of delay in filing the complaint case, on which basis the present case has been lodged.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Harnaut P.S. Case No. 325 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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