

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3583 of 2018

Arising Out of PS. Case No.-311 Year-2015 Thana- KUSHESHWARASTHAN District-
Darbhanga

1.Yugeshwar Mukhiya @ Jugeshwar Mukhiya @ Juge Mukhiya, son of Late
Dukha Mukhiya.
2.Kedar Mukhiya son of Jugeshwar Mukhiya
3. Pramila Devi wife of Jugeshwar Mukhiya
4. Lalita Devi wife of Laxman Mukhiya
5.Ram Kumari Devi wife of Kedar Mukhiya

... .. Appellants.

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Madhusudan Kumar
For the Respondent/s : Mr.Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 07-01-2019 Heard the parties.

The appellants seek pre-arrest bail in S.C./S.T. Case No.28/17 arising out of Kuesheshwar Asthan P.S.Case No.311 of 2015 registered for the offences under Sections 447, 341, 323, 324, 307, 354, 379, 504 , 34 of the I.P.C. and Section 3(1) (x) (xi) of S.C./S.T. (POCSO) Act.

Allegation against the appellants and others is that they came variously armed and abused and appellant no.2 assaulted the informant by farsa causing head injury, when the daughter-in-law and the daughter of the informant rushed to save him appellant no.1 assaulted daughter-in-law by rod causing injury on her head and appellant no.3 assaulted the daughter by brick bats and appellant no.5 also snatched Rs.2000/- from the pocket of the informant and



appellant no.4 snatched gold chain worth Rs.28,000/- from the neck of the daughter of the informant.

Submission of the learned counsel for the appellants is that there is case and counter case and, in fact, earlier the informant wanted to grab the land of appellant no.1 for which Title Suit No.37 of 2005 is going on but the said land belongs to appellant no.1 and there is no specific allegation of using cast name.

Heard learned Special P.P. also.

Having heard both sides and in view of the facts and circumstances of the case, let all the five appellants, above named, in the event of their arrest or surrender before the court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- each with two sureties of the like amount each to the satisfaction of Special Judge (S.C./S.T.P.O.A. Act), Darbhanga, in S.C./S.T. Case No.28/17 arising out of Kusheshwar Asthan P.S.No.311 of 2015 (G.R. No.1112/15) subject to the conditions as laid down under Section 438(2) of Cr.P.C. with further condition that they shall co-operate in the investigation.

Accordingly, the appeal is allowed and the impugned order is set aside.

(Vinod Kumar Sinha, J)

aks/-



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