

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42540 of 2019

Arising Out of PS. Case No.-140 Year-2019 Thana- JOKIHAT District- Araria

1. BHUWNESHWAR BISHWAS Son of Late Lalchand Bishwas Resident of Village - Chakai, P.S.- Jokihat and District- Araria
2. Anand Bishwas Son of Bhuwadeshwar Bishwas Resident of Village - Chakai, P.S.- Jokihat and District- Araria
3. Sharad Kumar @ Pappu Bishwas Son of Narayan Bishwas Resident of Village - Chakai, P.S.- Jokihat and District- Araria
4. Sanjay Kumar Bishwas @ Sanjay Son of Narayan Bishwas Resident of Village - Chakai, P.S.- Jokihat and District- Araria
5. Singheshwar Bishwas Son of Late Lal Chand Bishwas Resident of Village - Chakai, P.S.- Jokihat and District- Araria
6. Guddu Bishwas @ Guddu Kumar Son of Singheshwar Bishwas Resident of Village - Chakai, P.S.- Jokihat and District- Araria
7. Mithu Bishwas @ Mithu Kumar Son of Singheshwar Bishwas Resident of Village - Chakai, P.S.- Jokihat and District- Araria
8. Dablu Kumar Bishwas @ Dablu Kumar Son of Jagdish Bishwas Resident of Village - Chakai, P.S.- Jokihat and District- Araria
9. Rupesh Kumar Bishwas @ Rupesh Kumar Son of Parmeshwar Bishwas Resident of Village - Chakai, P.S.- Jokihat and District- Araria

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Vikram Singh, Advocate.
For the State	:	Dr. Kumar Uday Pratap, A.P.P.
For the Informant	:	Mr. Sanjay Kumar Sinha, Advocate.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 24-10-2019 At the very outset, learned counsel for the petitioners submits that the petitioner no.5, namely, Singheshwar Bishwas, and the petitioner no.8, namely, Dablu Kumar Bishwas alias Dablu Kumar, have already been arrested by the police in this case and seeks permission to withdraw this application in respect of the



petitioner no.5, namely, Singheshwar Bishwas, and the petitioner no.8, namely, Dablu Kumar Bishwas alias Dablu Kumar.

Permission is accorded.

Accordingly, this application in respect of the petitioner no.5, namely, Singheshwar Bishwas, and the petitioner no.8, namely, Dablu Kumar Bishwas alias Dablu Kumar, is dismissed as withdrawn.

Now, only the prayer of the petitioner nos.1, 2, 3, 4, 6, 7 and 9, above named, for grant of privilege of pre-arrest bail is being considered.

Heard.

The petitioner nos.1, 2, 3, 4, 6, 7 and 9, above named, apprehend their arrest in connection with Jokihat P.S. Case No.140 of 2019 registered under Sections 341, 323, 379, 504, 354, 456 and 506/34 of the Indian Penal Code.

The accusation is that in the evening of 10.04.2019, the petitioner nos.1 to 3 came at the house of the informant and started to abuse and made query about the where about of her son Mithu, saying that they will kill him. When the informant wanted to know about the reason, then the petitioner no.1 told that her son has brutally assaulted his daughter. While the informant tried to pacify the matter but the aforesaid petitioners along with the petitioner nos.4, 6, 7 and 9 along with the other F.I.R. named accused and 10-15 unknown started to commit "Maar-Peet" with her and looted cash



Rs.65,000/-, ornaments etc. from her house.

Learned counsel for the petitioner nos.1, 2, 3, 4, 6, 7 and 9, above named, submits that while these petitioners are named in the F.I.R. but no specific overt act is attributed to them. In fact, these petitioners and other F.I.R. named accused are co-villagers and neighbours of the informant and due to some dispute, the present case has been lodged by the informant with false allegation against them. The petitioner nos.1, 2, 3, 4, 6, 7 and 9, above named, have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioner nos.1, 2, 3, 4, 6, 7 and 9, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Araria, in connection with Jokihat P.S. Case No.140 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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