

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46383 of 2019

Arising Out of PS. Case No.-166 Year-2018 Thana- GOPALPUR District- Bhagalpur

1. Sunaina Devi @ Sunaina Kumari, Aged about 23 years, Female, D/o Ram Chandra Mandal, Resident of Village - Jahangirpur Baisi Tola Navtolia, P.S.- Rangra, District- Bhagalpur
2. Nisha Kumari, Aged about 16 years, Female, D/o Ram Chandra Mandal, Resident of Village - Jahangirpur Baisi Tola Navtolia, P.S.- Rangra, District- Bhagalpur
3. Sunita Devi, Aged about 52 years, Female, Wife of Ram Chandra Mandal Resident of Village - Jahangirpur Baisi Tola Navtolia, P.S.- Rangra, District- Bhagalpur
4. Sulochna Devi, Aged about 38 years, Female, Wife of Kishore Mandal @ Soni, Resident of Village - Jahangirpur Baisi Tola Navtolia, P.S.- Rangra, District- Bhagalpur
5. Juhi Devi, Aged about 35 years, Female, Wife of Pradeep Mandal, Resident of Village Jahangirpur Baisi Tola Navtolia, P.S. Rangra, District Bhagalpur
6. Kundan Roy @ Kundan Kumar Roy, Aged about 25 years, Male, Son of Chandeshwari Roy, Resident of Village Ismailpur, P.S.- Ismailpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarita Bajaj
For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 26-07-2019 Heard both sides.

Petitioners apprehend their arrest in Gopalpur (Rangra) P.S. Case No.166 of 2018, registered under Sections 147, 148, 149, 341, 323, 325, 307, 436, 429, 120(B) and 324 of the Indian Penal Code.

The informant named the petitioners along with other



accused persons and alleged that while he was fixing pillars for construction of thatched house on his land, the petitioners along with other accused persons came and on the order of Sunita Devi, Bipin Kumar Mandal assaulted Kapil Deo Mandal. Vinay Kumar Mandal assaulted Diwakar Mandal with iron rod on his head and leg. Pradeep Mandal tried to strangulate Tuno Mandal. During this period Nisha Kumari, Sulaina Devi, Sunita Devi, Sulochna Devi and Juhi Devi assaulted Babita Devi, Sulekha Devi and Shobha Devi. Sunita Devi, petitioner no.3 and Juhi Devi, petitioner no.5 set fire in the house of the informant.

Learned counsel for the petitioners submits that there is land dispute between the two sides. From the side of the petitioners, Gopalpur (Rangra) P.S. Case No.163 of 2018 is registered. Both the sides entered into free fight with each other on account of land dispute but the injuries sustained by the informant are superficial in nature and on non-vital part. Partition Suit No.19 of 2019 is going on between the parties. The Investigating Officer found the allegation under Section 436 of the Indian Penal Code false but later on cognizance was also taken under Section 436 of the Indian Penal Code. Petitioner nos.1 to 5 are ladies and there is no specific allegation against Kundan Roy, petitioner no.6.



It appears from perusal of the FIR itself that the petitioners are not alleged to have assaulted any body. The petitioners are female save and except petitioner no.6 and they are alleged to have assaulted the female members of the informant and set fire in the house of the informant but during the course of investigation, allegation of setting fire was found to be false.

Considering the facts aforesaid, 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 Additional Chief Judicial Magistrate, 3rd, Naugachhia, Bhagalpur in connection with Gopalpur (Rangra) P.S. Case No.166 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

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