

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12966 of 2020

Arising Out of PS. Case No.-174 Year-2019 Thana- KHARIK District- Bhagalpur

1. PINTU KUMAR @ PINTU KUMAR NISHAD Pintu Kumar @ Pintu Kumar Nishad Resident of Village - Ambho, P.S.- Kharik, Dist.- Bhagalpur.
2. Raj Kumar Singh @ Raj Kumar Nishad Son of Swarup Lal Singh @ Ram Swarup Nishad Resident of Village - Ambho, P.S.- Kharik, Dist.- Bhagalpur.
3. Purni Devi W/o Swarup Lal Singh @ Ram Swarup Nishad Resident of Village - Ambho, P.S.- Kharik, Dist.- Bhagalpur.
4. Puspa Devi W/o Raj Kumar Singh @ Raj Kumar Nishad Resident of Village - Ambho, P.S.- Kharik, Dist.- Bhagalpur.
5. Makhari Devi Wife of Bhavikshan Singh @ Bhavikswan Nishad Resident of Village - Ambho, P.S.- Kharik, Dist.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha
For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 21-07-2020 Heard learned counsel for the petitioners and the learned A.P.P. for the State through video conferencing.

The petitioners apprehend their arrest in connection with Kharik P.S. Case no. 174 of 2019, registered under Sections 147, 148, 149, 341, 323, 337, 338, 332, 333, 353, 307, 504 and 506 of the Indian Penal Code.

The accusation is that informant Hari Shankar Kashyap, being the Officer-in-Charge of Kharik Police Station, received information about involvement of Mohit Kumar @



Pato and Bhavikashan Singh, resident of village-Ambo, in theft of the bike, thereafter, informant and other Police personnel proceeded for village-Ambo at the house of Bhavikashan Singh and knocked the door and gave his introduction and started to make query. At that time, petitioners and four unknown started scuffle with the Police personnel and to cause assault through lathi, stick and by pelting stones. At that time, they also torn the uniform of the Police personnel, while informant tried to convenience them, but they managed to set free Bhavikashan Singh. At that time, Purni Devi (Petitioner No.3) and Pushpa Devi (Petitioner No.4) started to press testicles of house guard Subhash Chandra Thakur as such the said persons also intervened in the discharge of official duty by the informant and other Police personnel.

Submission is that, in fact, informant and other Police personnel, without search warrant, entered in the house and at that time, only hot talks exchanged, but informant, with ulterior motive, lodged the present case. Further submission is that, in fact, hot talks started in between the Police personnel and male members of the family, but



petitioner Nos. 3 to 5, namely, Purni Devi, Puspa Devi and Makhari Devi have also been implicated in this case with false allegation. The petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioner Nos. 3, 4 and 5, namely, Purni Devi @ Purani Devi, Puspa Devi and Makhari Devi 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) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-I, Naugachia in connection with Kharik P.S. Case No. 174 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

So far as prayer for pre-arrest bail of petitioner Nos. 1 and 2, namely, Pintu Kumar @ Pintu Kumar Nishad and Raj Kumar Singh @ Raj Kumar Nishad are concerned, considering the facts and circumstances of the case and nature of allegation against the petitioner Nos.1 and 2, I am not inclined to grant pre-arrest bail to the petitioner Nos. 1 and 2, namely, Pintu Kumar @ Pintu Kumar Nishad and Raj



Kumar Singh @ Raj Kumar Nishad, accordingly, their prayer for grant of pre-arrest bail stands rejected. The petitioners are directed to surrender before the trial Court within four weeks and pray for regular bail, which would be considered by the trial Court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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