

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31266 of 2020

Arising Out of PS. Case No.-45 Year-2020 Thana- MADHEPUR District- Madhubani

1. Brihaspati Ram, aged about 72 years, Gender-Male, Son of Late Budhan Ram, Resident of Village- Prasad, Madhubani, Banki, P.S.- Madhepur, District- Madhubani.
2. Mukesh Ram, aged about 28 years, Gender-Male, Son of Brihaspati Ram, Resident of Village- Prasad, Madhubani, Banki, P.S.- Madhepur, District- Madhubani.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Prafull Chandra Jha, Advocate.
For the Opposite Party : Mr. Jitendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-12-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks after restoration of normalcy.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in a case for the offence registered under Sections 143, 341, 323, 379, 307, 324, 354(B) and 504/34 of the I.P.C.



The prosecution story, in brief, is that on 20.03.2020 at about 8.30, petitioners and other family members assaulted the wife of the informant when she stopped them for call of nature. Petitioner no. 1 misbehaved with the informant's wife, she became clothless and after hearing her shouting the informant and his son rushed there then petitioner no. 1 assaulted with *Fatha* on the head of the informant. Thereafter, all accused persons assaulted the informant and his family members. Accused Saroj Ram and Mukesh Ram took silver *Hasuli* and golden ear-ring from the wife of the informant. The injured were admitted to P.H.C. Madhepur from there they were referred to D.M.C.H., Darbhanga.

It has been submitted by learned counsel for the petitioners that the petitioners are in custody since 08.06.2020. The petitioners have got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The allegation of assault is against petitioner no. 1 who is 72 years of age. From perusal of order of learned Sessions Court, it appears that the injuries report have not been brought on record by the prosecution. It cannot be ascertained whether the



allegation made in the F.I.R. corroborates with injury report.
Due to latches on the part of the prosecution, petitioners cannot
put to suffer.

On behalf of the learned counsel for the State, it has
been submitted that the petitioners are named in the F.I.R.

Considering the facts and circumstances of the case,
the petitioners above named, is directed to be released on bail on
furnishing bail bonds 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, Jhanjharpur
(Madhubani), in connection with Madhepur P.S. Case No. 45 of
2020 (G.R.No. 420 of 2020).

(Sudhir Singh, J)

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