

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77794 of 2019

Arising Out of PS. Case No.-447 Year-2019 Thana- DEHRI TOWN District- Rohtas

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1. Mahendra Singh @ Bala (M) aged about 41 years son of Nathuni Singh
 2. Nirmala Devi (F) Wife of Mahendra Singh @ Bala
Both resident of Village- Makrain, P.S.- Dalmiya Nagar (O.P.),
District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kumar Misha, Advocate
For the State	:	Mr. Lalan Kumar, APP
For the Informant	:	Mr. Rajesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 08-07-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Surendra Kumar Mishra, learned counsel for the petitioners; Mr. Lalan Kumar, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State and Mr. Rajesh Kumar Singh, learned counsel for the informant.

3. The petitioners apprehend arrest in connection with Dehri Town (Dalmiya Nagar O.P.) PS Case No. 447/2019 dated 07.07.2019 instituted under Sections 341/323/307/379/448/34 of the Indian Penal Code.

4. The allegation against the petitioner no. 1, along



with two others, had committed murderous assault on the informant and his family members and against the petitioner no. 2 the only allegation is that she, along with petitioner no. 1, had snatched rupees ten thousand from the younger brother of the informant.

5. Learned counsel for the petitioners submitted that the petitioners are agnates and there is land dispute between them. It was submitted that no such incident took place and the allegations are false. It was further submitted that the injury report does not support the prosecution story as they have been found to be caused by hard and blunt substance.

6. Learned APP and learned counsel for the informant submitted that the injuries are on the head and just because the parties may be agnates, does not give them right to assault brutally in the manner they have done. It was further submitted that the informant's side had been patient and had first opted settlement by the local Panchayat but the accused, including the petitioners, did not show any inclination, and thus, they were forced to file the case due to which there is delay, which is fully explained.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in



the event of arrest or surrender before the Court below within six weeks from today, the petitioner no. 2, namely, Nirmala Devi, be released on bail upon furnishing bail bonds of Rs. 25, 000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Dehri in Dehri Town (Dalmiya Nagar O.P.) P.S. Case No. 447 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

8. The prayer of petitioner no. 1, namely, Mahendra Singh @ Bala, for grant of pre arrest bail, stands rejected.

9. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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