

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 82124 of 2019

Arising Out of PS. Case No.-256 Year-2017 Thana- BENIPATTI District- Madhubani

1. SHIVENDRA KUMAR @ SHIVENDRA KUMAR MISHRA @ TUNA,
Son of Shyam Sundar Mishra,
2. Pintu Kumar @ Pintu Kumar Mishra, Son of Nageshwar Mishra
3. Rajnish Kumar @ Gorka, Son of Nageshwar Mishra
4. Bikash Kumar @ Utpal, Son of Shyam Kishore Mishra,
All Residents of Village- Barari, P.S.- Benipatti, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar
For the Opposite Party/s : Mr.Satyavrat Verma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 13-02-2020 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Section 323, 341, 354 (B), 379, 448, 504 and 506/34 of the Indian Penal Code as well as u/s 3/4 of the (Dian) Act.

Prosecution story in brief is that on the informant Babita Devi filed a written petition before the learned A.C.J.M., Benipatti alleging therein that on 20.11.2017 at about 11.00 P.M. she was sleeping in her house alongwith her children and awoke at loud voice and saw that the petitioners were saying her father-



in-law to make treatment to their sister as he is Dian and on refusal all took him after dragging and assaulting him due to which he became unconscious and in the meantime the petitioner No. 1 drank her urine and torn her sari, blouse and snatched her chain from nose, ear and neck.

Learned counsel for the petitioners submits that the petitioners are innocent and have not committed any offence or offences whatsoever and the petitioners have falsely been implicated in this case out of previous grudge, malice and spite and also due to dirty village party politics. No occurrence as alleged against the petitioners have taken place and the prosecution story is false, concocted, absurd and improbable. There is case and counter case.

Learned APP has opposed the bail petition and submits that the petitioners were alleged to have been for the punishable offence under Sections 341, 323, 354, 504 I.P.C. & $\frac{3}{4}$ Dian Act.

As per FIR, there is serious allegation against the petitioners.

In the aforesaid facts and circumstances, I am not inclined to enlarge the petitioners on bail. Accordingly, the prayer for bail of the petitioner is rejected in connection with



Benipatti P.S. Case No. 256 of 2017/G.R. No. 1005 of 2017
from the Court of learned Addl. Chief Judicial Magistrate,
Benipatti.

Accordingly, the application is dismissed.

However, petitioners are directed to surrender before
the learned court below and make prayer for bail and the learned
court below shall dispose of the bail petition on the same day
without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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