

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33657 of 2021

Arising Out of PS. Case No.-7 Year-2021 Thana- FESHAR District- Aurangabad

1. Sarita Devi @ Sunita Devi @ Sunita (Female), aged about 40 years, Wife of Umesh Mehta, Resident of Village-Pirauta, P.S.-Phesar, District-Aurangabad (Bihar).
2. Umesh Mehta, (Male), aged about 45 years, Son of Late Hazari Mehta, Resident of Village - Pirauta, P.S.- Phesar, District - Aurangabad (Bihar).
3. Dhiraj Kumar, (Male), aged about 21 years, Son of Umesh Mehta, Resident of Village - Pirauta, P.S.- Phesar, District - Aurangabad (Bihar).

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mrs. Leelawati Kumari, Advocate.
For the Opposite Party : Mr. Surendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-08-2021 Heard learned counsel for the petitioners and learned A.P.P. for the State through Virtual mode.

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

The petitioners are apprehending their arrest in connection with Fesar P.S. Case No. 07/2021 for the offence registered under Sections 147, 149, 341, 323, 324, 325, 307, 427 and 447 of the I.P.C.

The prosecution story, in brief, is that on 22.01.2021 at about 3.00 P.M., co-accused, Rajendra Mehta planned and



chopped green tree of the *Mango* and thereafter tried to chop green tree of *Neem* and *Berry* of the informant. The informant protested the same upon which, confrontation took place between the informant and co-accused Subash Mehta and thereafter the informant returned back to his home. After the said incident, the accused persons assaulted on the hand and head of the informant and caused injury. Umesh Mehta (petitioner no. 2) caused injury to Manish Kumar by the *Sword*. Co-accused Subhash Mehta caused injury to the wife of the informant. Sunita Devi (petitioner no. 1) caused injury to Sunaina Devi by the *Sword*. Co-accused Antu Kumar also assaulted the *Bhabhi* of the informant and all accused persons entered into the house of the informant and destroyed the households.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioner no. 1 is a lady. Nature of injury is said to be simple. No offence under Section 307 of the I.P.C. is made out. At best, it is a case for an offence under Section 324 of the I.P.C.



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 aforesaid facts and circumstances of the case, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of the learned C.J.M., Aurangabad (Bihar), in connection with Fesar P.S. Case No. 07 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees Ten Thousand) only each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

U.K./-

U		T	
---	--	---	--

