

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 32839 of 2020

Arising Out of PS Case No.-659 Year-2018 Thana- PUPRI District- Sitamarhi

-
1. Vijay Kumar, aged about 30 years, (Male) Son of Ramprit Rai.
 2. Bholi Kumari @ Madhuwarala Kumari @ Madhu Kumari, aged about 19 years (Female) Daughter of Ramprit Rai.
 3. Chandrakala Devi, aged about 55 years, (Female) Wife of Ramprit Rai.
 4. Manju Kumari, aged about 25 years, (Female) Wife of Vijay Rai
All resident of Village-Bhittha, PS-Pupri, District-Sitamarhi.
 5. Naresh Rai, aged about 38 years (Male) Son of Horil Rai, Resident of Village-Kushail, PS-Pupri, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Sinha, Advocate
For the State	:	Mr. Md. Matloob Rab, APP
For the Informant	:	Mr. Md. Shamimul Hoda, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 23-03-2021

Heard Mr. Ashok Kumar Sinha, learned counsel for the petitioners; Mr. Md. Matloob Rab, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Md. Shamimul Hoda, learned counsel for the informant.

2. The petitioners apprehend arrest in connection with Pupri PS Case No. 659 of 2018 dated 20.12.2018, instituted under Sections 147/149/341/323/324/307/380/342/504/354 of the Indian Penal Code.



3. The allegation against the petitioners is of assault by various weapons leading to injuries.

4. Learned counsel for the petitioners submitted that in view of there being specific overt act alleged against petitioners no.1 to 4 namely Vijay Kumar; Bholi Kumari @ Madhuwarala Kumari @ Madhu Kumari; Chandrakala Devi and Manju Kumari, respectively, which is corroborated by the injury report, he shall not be pressing the application on their behalf and the Court may consider the case of petitioner no. 5 namely, Naresh Rai.

5. In view thereof, the application on behalf of petitioner no. 1 to 4 namely Vijay Kumar; Bholi Kumari @ Madhuwarala Kumari @ Madhu Kumari; Chandrakala Devi and Manju Kumari respectively stands disposed off as not pressed.

6. Learned counsel for the petitioners submitted that against petitioner no. 5, the only allegation is that he was taking away the son of the informant. However, it was submitted that neither any overt act has been alleged nor the son of the informant has received any injury or has been harmed in any way. Thus, learned counsel submitted that the allegation is only cosmetic in nature. It was further submitted that there is also a counter case lodged by the petitioner's side for the same incident and that the



parties are next door neighbours and there is land dispute pending between them.

7. Learned APP submitted that there is allegation of the petitioner no. 5 taking away the son of the informant.

8. Learned counsel for the informant adopted the submissions of learned APP. He added that the intention of the petitioner no. 5 was also unclear as the son of the informant was being carried away for harming him. However, he could not point out any allegation of any harm being caused to the said son of the informant or any specific allegation of any overt act against the petitioner no. 5 namely, Naresh Rai.

9. 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. 5 namely, Naresh Rai, 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 Sub-Divisional Judicial Magistrate, Pupri District-Sitamarhi in Pupri PS Case No. 659 of 2018, subject of the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioner no. 5, (ii) that the



petitioner no. 5 and the bailors shall execute bond with regard to good behaviour of the petitioner no. 5, and he shall co-operate with the police/prosecution and the Court. Any violation of the terms and conditions of the bonds or non-cooperation shall lead to cancellation of his bail bonds.

10. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner no. 5, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner no. 5.

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

(Ahsanuddin Amanullah, J.)

Anand Kr.

AFR/NAFR	
U	
T	

