

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33768 of 2020

Arising Out of PS. Case No.-460 Year-2019 Thana- SAKRA District- Muzaffarpur

1. Moti Devi wife of Late Baidyanath Jha Resident of Village- Lohargama, P.s.- Sakra, District- Muzaffarpur
2. Sunita Devi wife of Basdev Jha Resident of Village- Lohargama, P.s.- Sakra, District- Muzaffarpur
3. Nilam Devi w/o Rajiv Jha Resident of Village- Lohargama, P.s.- Sakra, District- Muzaffarpur
4. Kamini Devi wife of Raushan Jha Resident of Village- Lohargama, P.s.- Sakra, District- Muzaffarpur
5. Basdev Jha son of Late Sukhu Jha Resident of Village- Lohargama, P.s.- Sakra, District- Muzaffarpur
6. Rajiv Jha son of basdev Jha Resident of Village- Lohargama, P.s.- Sakra, District- Muzaffarpur
7. Gajendra Jha son of Late Baidyanath Jha Resident of Village- Lohargama, P.s.- Sakra, District- Muzaffarpur
8. Srasvan Jha @ Prashant Kumar @ Pashant Kumar son of Gajendra Jha Resident of Village- Lohargama, P.s.- Sakra, District- Muzaffarpur
9. Bhogendra Jha son of Lte Bikku Jha Resident of Village- Lohargama, P.s.- Sakra, District- Muzaffarpur
10. Indu Devi wife of Bhogendra Jha Resident of Village- Lohargama, P.s.- Sakra, District- Muzaffarpur
11. Birendra Jha son of Bhogendra Jha Resident of Village- Lohargama, P.s.- Sakra, District- Muzaffarpur
12. Chandani devi wife of Birendra Jha Resident of Village- Lohargama, P.s.- Sakra, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-02-2021 Heard learned counsel for the petitioners and learned
APP for the State.



Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

The petitioners are apprehending their arrest in a case registered under Sections 147, 148, 149, 341, 342, 324, 307, 302, 326, 504, 506, 120(B) of the Indian Penal Code.

Prosecution case in short is that these petitioners and others armed with lathi, danda came to the complainant/informant's house and took away her son Uday Jha at the door of accused Basdeo Jha by assaulting him. It is further alleged that his hands and legs were tied up with tree, disrobed him, assaulted and compelled him to drink hot water and urine. He sustained injury but the accused persons in connivance with police, falsely indulged him in a false and concocted case and under the course of treatment, he was arrested by the police and sent to jail and on bail, his sister took away Uday Jha to Gauhati for treatment where the doctor examined him and found serious internal injury and opined that he would not be survived and lastly died on 21-04-2019.

It has been submitted on behalf of the petitioners that the petitioner Nos. 2, 3, 6, 7, 8 & 12 have got no criminal antecedent. There is no allegation of tampering of witnesses



alleged against the petitioners. The petitioners have been falsely implicated in the present case. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. Petitioner Nos. 1, 2, 3, 4, 10 & 12 are ladies.

On behalf of the State, it is submitted that the petitioners are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Muzaffarpur in connection with Sakra P.S. Case No. 460 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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