

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.406 of 2021

Arising Out of PS. Case No.-216 Year-2020 Thana- PALASI District- Araria

1. Habbu Lal Singh @ Habbulal Singh, aged about 55 years, (M), Son of Late Ram Tahal Singh, Resident of Village-Dakaita, Ward No.-13, P.S.-Palasi, District-Araria.
2. Anil Kumar Singh, aged about 28 years (M), Son of Habbu Lal Singh, Resident of Village-Dakaita, Ward No.-13, P.S.-Palasi, District-Araria.
3. Chhotu Kumar Singh @ Chhotu Singh, aged about 25 years (M), Son of Habbu Lal Singh, Resident of Village-Dakaita, Ward No.-13, P.S.-Palasi, District-Araria.
4. Khusbu Devi @ Khushbu Devi, W/o Anil Kumar Singh, aged about 25 years (F), Resident of Village-Dakaita, Ward No.-13, P.S.-Palasi, District-Araria.
5. Jhabbu Lal Singh @ Jhabbulal Singh, aged about 50 years (M), Son of Late Ram Tahal Singh, Resident of Village-Dakaita, Ward No.-13, P.S.-Palasi, District-Araria.
6. Sumitra Devi, aged about 50 years (F), W/o Habbu Lal Singh, Resident of Village-Dakaita, Ward No.-13, P.S.-Palasi, District-Araria.
7. Sugga Devi @ Suga Devi, aged about 48 years (F), W/o Jhabbu Lal Singh, Resident of Village-Dakaita, Ward No.-13, P.S.-Palasi, District-Araria.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Madhav Jha, Advocate.
For the Opposite Party : Mr. Choubey Jawahar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-06-2021 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.

Heard learned counsel for the petitioners and learned A.P.P. for the State through Virtual mode.

The petitioners are apprehending their arrest in a case



for the offence registered under Sections 341, 323, 379, 504 and 354(B)/34 of the I.P.C.

The prosecution story, in brief, is that on 01.07.2020 at about 11.00 A.M., due to previous quarrel, Khushbu Devi (petitioner no. 4) started abusing the informant. When the informant objected, Anil Kumar Singh (petitioner no. 2), Chhotu Kumar Singh (petitioner no. 3), Khushbu Devi (petitioner no. 4) assaulted her on the road. Due to pregnancy of the informant, she forbade not to so, then Anil Kumar Singh (petitioner no. 2) assaulted with fists and slaps and torn the clothes of the informant. When her sister-in-law (Gotani) came to rescue her, Habbu Lal Singh (petitioner no.1), Jhabbu Lal Singh (petitioner no. 5), Sumtra Devi (petitioner no. 6) and Sugga Devi (petitioner no. 7) assaulted her. In course of scuffle, Anil Kumar Singh (petitioner No. 2) and Chhotu Kumar Singh (petitioner no. 3) snatched the jewellery of the sister-in-law (Gotani) of the informant.

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. There is case and counter case between the parties.



Injury on the side of accused persons has not been explained by the prosecution. The prosecution has not come with clean hands. All offences are triable by the Magistrate.

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 A.C.J.M.-Ist, Araria, in connection with Palasi P.S. Case No. 216/2020, 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)

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