

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8476 of 2021

Arising Out of PS. Case No.-77 Year-2020 Thana- KHIRHAR District- Madhubani

1. NARESH SAH Son of Late Sitaran Sah Resident of Village- Sonai, P.S.- Khirhar, District- Madhubani.
2. Mukesh Sah Son of Naresh Sah Resident of Village- Sonai, P.S.- Khirhar, District- Madhubani.
3. Jitendra Sah Son of Naresh Sah Resident of Village- Sonai, P.S.- Khirhar, District- Madhubani.
4. Chandani Kumari Daughter of Naresh Sah Resident of Village- Sonai, P.S.- Khirhar, District- Madhubani.
5. Radha Devi Wife of Naresh Sah Resident of Village- Sonai, P.S.- Khirhar, District- Madhubani.
6. Shiv Shankar Ram Son of Jamun Ram Resident of Village- Sonai, P.S.- Khirhar, District- Madhubani.
7. Raj Kumari Devi Wife of Shivshankar Ram Resident of Village- Sonai, P.S.- Khirhar, District- Madhubani.
8. Phuljhariya Devi Wife of Jamun Ram Resident of Village- Sonai, P.S.- Khirhar, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Namrata Mishra, Adv.

For the Opposite Party/s : Ms. Asha Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 24-09-2021 Heard Ms. Namrata Mishra, learned counsel for the petitioners and Ms. Asha Kumari, learned APP for the State.

Ms. Mishra, learned counsel for the petitioners seeks permission to withdraw the application with respect to the petitioner no. 1, who has been arrested during the



pendency of this petition.

The application with respect to the petitioner no. 1/ Naresh Sah is dismissed as having become infructuous.

The petitioner nos. 2 to 8 seek bail in anticipation of their arrest in connection with Khirhar P.S. Case No. 77 of 2020, corresponding to G.R. No. 697/2020 instituted for the offences under Sections 447, 448, 341, 323, 307, 354(B), 379, 427, 504 and 34 of the Indian Penal Code.

The accusation against the petitioners is of entering the house of the informant forcibly and assaulting members of the prosecution party. Personal belongings as well as house hold articles are also alleged to have been taken away. Some of the accused persons including the petitioners are alleged to have attempted to molest the female members of the house.

The learned counsel for the petitioners has submitted that the accusation is general and omnibus. So far as the allegation with respect to making attempts at outraging the modesty of female folk of the house is concerned, that is on the petitioner nos. 2 and 3 and not on



others. Even the female members of the house of the accused persons have been made accused in this case. The reason for false implication is the complaint case lodged by the wife of the petitioner no. 1 for the offences under Sections 376, 511, 364(B)/34 of the Indian Penal Code against members of the prosecution side. The petitioner no. 7 has also filed a case vide Khirhar P.S. Case No. 78/2020 against the informant and others. In a proceeding under Section 144 Cr.P.C. between the parties, an application has been filed for initiating action for violation of the prohibitory orders, which document has been brought on record by way of Annexure -5 to this petition.

The learned counsel for the petitioners has also drawn the attention of this Court to the injury reports of the victims, who though have received injuries in the transaction but the nature of such injuries have not been stated in the report. Most of the injuries are of the type of nail bite and abrasion.

It cannot be gainsaid that there was some occurrence in which people from both sides fought but there



does not appear to be any intention of causing any bodily injury which could have been fatal.

Considering the background facts and the enmity between the parties, the petitioner nos. 2 to 8, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -III, Benipatti, Madhubani, in connection with Khirhar P.S. Case No. 77 of 2020, corresponding to G.R. No. 697/2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure

(Ashutosh Kumar, J)

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