

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9692 of 2021

Arising Out of PS. Case No.-539 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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1. GAYATRI DEVI WIFE OF SHYAM SUNDAR SINGH @ SHYAM SINGH
RESIDENT OF VILLAGE- DIGHARA RAMPUR SAH, P.S-SADAR,
DISTRICT-MUZAFFARPUR.
 2. RAMESH KUMAR SON OF SHYAM SUNDAR SINGH @ SHYAM
SINGH RESIDENT OF VILLAGE- DIGHARA RAMPUR SAH, P.S-
SADAR, DISTRICT- MUZAFFARPUR.
 3. SHYAM SUNDAR SINGH @ SHYAM SINGH SON OF LATE
GAJADHAR SINGH RESIDENT OF VILLAGE- DIGHARA RAMPUR
SAH, P.S- SADAR, DISTRICT- MUZAFFARPUR.

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Alok Kumar Alok, Advocate.
For the State	:	Mrs. Renuka Ratnakar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 14-09-2021 As prayed for, through Video Conferencing, let the

learned counsel for the petitioners remove the defect(s), as

pointed out by the office vide its notes dated 30.01.2021, within

four weeks of starting of the Court proceeding in physical mode

in normal course.

At the very outset, learned counsel for the petitioners,

through Video Conferencing, submits that petitioner no.2,

namely, Ramesh Kumar, has already been apprehended by the

police in this case and, as such, this application, in respect of the



petitioner no.2, namely, Ramesh Kumar, for granting him the privilege of pre-arrest bail has become infructuous and seeks permission to withdraw this application in respect of the petitioner no.2, namely, Ramesh Kumar.

Permission is accorded.

This application in respect of the petitioner no.2, namely, Ramesh Kumar, is dismissed as withdrawn.

Now, only the prayer of the petitioner no.1, namely, Gayatri Devi, and the petitioner no.3, namely, Shyam Sundar Singh alias Shyam Singh, for granting them the privilege of pre-arrest bail is being considered, through Video Conferencing.

Heard learned counsel for the petitioner no.1, namely, Gayatri Devi, and the petitioner no.3, namely, Shyam Sundar Singh alias Shyam Singh, and the learned A.P.P. for the State, through Video Conferencing.

The petitioner no.1, namely, Gayatri Devi, and the petitioner no.3, namely, Shyam Sundar Singh alias Shyam Singh, apprehend their arrest in connection with Sadar P.S. Case No.539 of 2020 registered under Sections 341, 323, 379, 354(B), 504 and 506 of the Indian Penal Code.

The accusation is that four persons, named in the F.I.R., including the petitioner nos.1 and 3, above named, along



with 4 unknown came at the door of the informant Ramchandra Baitha and started to abuse to the informant denoting his caste name. When the informant made protest, then petitioner no.3, above named, provoked the others to cause assault to him, on which all started to cause assault to the informant through fists and slaps. When the wife and the daughter-in-law of the informant rushed to save the informant, then Dipu Singh gave the iron rod blow on the right leg of the daughter-in-law of the informant, dashed the daughter-in-law of the informant on the ground and torn her clothes. When Rajesh Rajak, the son of the informant, rushed to save his wife, then he was also assaulted by them through lathi, danda and iron rod. At that time, Dipu Singh snatched the 'Mangalsutra' from the neck of the daughter-in-law of the informant.

Learned counsel for the petitioner no.1, namely, Gayatri Devi, and the petitioner no.3, namely, Shyam Sundar Singh alias Shyam Singh, submits that, in fact, due to land dispute, hot exchange of words took place between the parties but with an ulterior motive, the informant has lodged the present case with the allegation of abusing the informant denoting his caste name by all the F.I.R. named accused including the petitioner nos.1 and 3, above named. Further submission is that



it would appear from the F.I.R. that the specific allegation of causing assault to the daughter-in-law of the informant is against the co-accused Dipu Singh. The petitioner nos.1 and 3, above named, have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioner no.1, namely, Gayatri Devi, and the petitioner no.3, namely, Shyam Sundar Singh alias Shyam Singh, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Muzaffarpur, in connection with Sadar P.S. Case No.539 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

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