

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10778 of 2021

Arising Out of PS. Case No.-183 Year-2020 Thana- SIDHWALIYA District- Gopalganj

1. KAJAL KUMARI D/o Chhathu Mahto Resident of Village- Surhiya, P.S.- Shidhwalia, District- Gopalganj.
2. Sheela Kumari D/o Chhathu Mahto Resident of Village- Surhiya, P.S.- Shidhwalia, District- Gopalganj.
3. Sohila Devi Wife of Chhathu Mahto Resident of Village- Surhiya, P.S.- Shidhwalia, District- Gopalganj.
4. Punam Kumari D/o Anil Mahto Resident of Village- Surhiya, P.S.- Shidhwalia, District- Gopalganj. ... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Ramadhar Shekhar, Adv.

For the Opposite Party : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 21-12-2021 Heard Mr. Ramadhar Shekhar, learned Advocate for the petitioners and Mr. Ram Priya Sharan Singh, learned Additional Public Prosecutor for the State.

The petitioners seek bail in anticipation of their arrest in connection with Sidhwalia P.S. Case No. 183 of 2020 dated 27.08.2020 instituted for the offences under Sections 341, 323, 324, 325, 427, 370, 504, 506 and 34 of the Indian Penal Code.

The petitioners and several others, numbering about 20 to 25 accused persons, are alleged to have assaulted the husband of the informant and other members of her family.

Learned counsel for the petitioners has submitted that the accusation against them is absolutely general and omni bus.



The is a counter version of the occurrence lodged by petitioner no. 3 vide Sidhwalia P.S. Case No. 188 of 2020 in which the husband of the informant has been made accused along with eight others. The parties are agnates and because of land dispute between them, a proceeding under Section 144 of the Cr.P.C. was initiated. The parties are also contesting a title suit namely T.S. No. 90 of 2007 which is pending adjudication before a competent Court of law.

One Dhiraj Kumar from the side of the petitioners and the husband of the informant have received grievous injuries.

On the basis of these facts, it has been urged that an occurrence may have taken place in which both sides have fought against each other but so far as the implication of the petitioners are concerned, it is only in the nature of a vindictive action by the informant with an attempt to implicate all the family members of the family of the petitioners and not even sparing the ladies.

Regard being had to the aforestated facts, the petitioners are directed to be released on bail, in the event of their arrest or surrender before he Court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of



Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Ms Sobhana Tripathi, Judicial Magistrate, 1st Class, Gopalganj, in connection with Sidhwalia P.S. Case No. 183 of 2020 subject to the conditions as laid down under Section 438(2) of the Criminal Procedure Code.

(Ashutosh Kumar, J)

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