

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85500 of 2019

Arising Out of PS. Case No.-46 Year-2019 Thana- BHEJA District- Madhubani

1. RAJU SINGH @ RAJ KUMAR SINGH Son of Ram Chandra Singh Resident of Village- Bhawanipur, Police Station- Bheja, District- Madhubani.
2. Shankar Singh @ Bidur Singh Son of Surendra Singh @ Surendra Prasad Singh Resident of Village-Bhawanipur, Police Station-Bheja, District- Madhubani.
3. Laloo Singh @ Ashish Kumar @ Ashish Kumar Singh Son of Dukhan @ Shiv Chandra Singh Resident of Village-Bhawanipur, Police Station-Bheja, District-Madhubani.
4. Pappu Singh @ Pappu Kumar Singh Son of Dukhan @ Shiv Chandra Singh Resident of Village-Bhawanipur, Police Station-Bheja, District-Madhubani.
5. Harish Chandra Singh Son of Late Laxminarayan Singh Resident of Village- Bhawanipur, Police Station-Bheja, District-Madhubani.
6. Surendra Singh @ Surendra Prasad Singh Son of Late Rajendra Singh Resident of Village-Bhawanipur, Police Station-Bheja, District-Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun
For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 16-08-2021 Heard Mr. Arun, learned counsel for the

petitioner and Mr. Zainul Abedin, learned APP for the State.

Mr. Arun, learned counsel for the petitioners

seeks permission to withdraw the application with respect to

petitioner no. 6, who has been arrested.

The petition with respect to petitioner no. 6



/Surendra Singh @ Surendra Prasad Singh is dismissed as withdrawn.

The petitioner nos. 1 to 5 seek bail in anticipation of their arrest in connection with Bheja P.S. Case No. 46 of 2019 instituted for the offences under Sections 143, 341, 323, 324, 307, 448, 354A, 504 and 506/34 of the Indian Penal Code.

The accusation in the First Information Report is that the accused persons including the petitioners entered the house of the informant and misbehaved with the ladies for the reason that one Reena Kumari had not changed her statement under Section 164 Cr.P.C. before the Magistrate as demanded by the accused persons, which was recorded in connection with a case registered under Sections 363, 366A and 34 of the Indian Penal Code (Bheja P.S. Case No. 28/19). It has further been alleged that when the informant protested, one Bairej Singh @ Bairagi Singh assaulted him by means of farsa leading to grievous injuries on his occipital region.

Learned counsel for the petitioners has submitted



that though the narration in the First Information Report may, in the first instance give an appearance of a serious offence where many persons of a family have been threatened and assaulted for not changing the statement under Section 164 Cr.P.C., but the background facts would reveal another story. Learned counsel for the petitioners has drawn the attention of this Court to the fact that the wife of petitioner no. 1 has also filed a case against the informant and others vide Bheja P.S. Case No. 49/19, which too has been instituted under sections 354A and other sections of the Indian Penal Code. Apart from this, it has been submitted that Reena Kumari, whose 164 statement was not to the liking of the petitioners, had actually eloped with her cousin for the purposes of marriage which is within the prohibited degree of relationship. That was not acceptable to many of the relatives including the petitioners, who have a common ancestry with the informant. It is because of such incestual marriage that there was some dispute in the family and the petitioners, at one point of time, had protested against such marriage, which has led to the filing



of the subject F.I.R. Thus, it has been submitted that because of Reena Kumari having married a person within the prohibited relationship, a spate of litigation has been filed between the parties, the subject F.I.R. being one of them. In any view of the matter, learned counsel for the petitioners has submitted that the person who is alleged to have caused grievous injuries to the informant, is not one of the petitioners

Regard being had to the afore-stated facts and taking into account that the petitioners nos. 1 to 5 upto now have not been made accused in any other case except Bheja P.S. Case No. 28/2019 about which reference has been given in the body of the bail petition, the petitioner no. 1/ Raju Singh @ Raj Kumar Singh, petitioner no. 2/ Shankar Singh @ Bidur Singh, petitioner no. 3/ Laloo Singh @ Ashish Kumar @ Ashish Kumar Singh, petitioner no. 4/ Pappu Singh @ Pappu Kumar Singh and petitioner no. 5 / Harish Chandra Singh 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, Jhanjharpur, Madhubani, in connection with Bheja P.S. Case No. 46 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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