

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23959 of 2021

Arising Out of PS. Case No.-436 Year-2020 Thana- TARAIIYA District- Saran

1. MAMTA DEVI, WIFE OF SONU KUMAR RESIDENT OF VILLAGE- DUMARI CHAPIYA P.S. TARAIIYA, DISTRICT-SARAN
2. GYANTI DEVI WIFE OF SHAMBHU SINGH KUSHWAHA RESIDENT OF VILLAGE- DUMARI CHAPIYA P.S. TARAIIYA, DISTRICT-SARAN
3. SHAMBU SINGH KUSWAHA @ SHAMBHU SINGH SON OF KISHDORE SINGH KUSHWAHA RESIDENT OF VILLAGE- DUMARI CHAPIYA P.S. TARAIIYA, DISTRICT-SARAN
4. SONU KUMAR SON OF SHAMBHU SINGH KUSHWAHA RESIDENT OF VILLAGE- DUMARI CHAPIYA P.S. TARAIIYA, DISTRICT-SARAN
5. CHANDAN KUMAR SON OF VIJAY BHAGAT RESIDENT OF VILLAGE- BHAGWATPUR P.S. AMNAUR DISTRICT- SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 13-01-2022 Heard Mr. Mukesh Kumar Singh, learned Advocate for the petitioners and learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Taraiya P. S. Case No. 436 of 2020, dated 17.12.2020, instituted for the offences under Sections 341, 323, 376, 511, 379, 506, 504 and 34 of the Indian Penal Code.



The petitioner no. 3 is said to have made attempts at outraging the modesty and raping the prosecutrix but because of her son having woken up in the meanwhile, the petitioner no. 3 is said to have run away. Later, when a complaint was made by the prosecutrix and her family members, all the petitioners abused and assaulted them.

The learned Counsel for the petitioners has submitted that an absolutely false case has been instituted against the entire family members of petitioner no. 3. The petitioner no. 2 is the wife of petitioner no. 3. Whereas petitioner nos. 4 and 1 are his son and daughter-in-law. The petitioner no. 5 is an outsider.

The learned Counsel for the petitioners has further submitted that there is a counter version of the occurrence which has been lodged by the petitioners against the prosecutrix. The whole dispute arose because of some of the children of the house of the petitioners having urinated in front of the house of the informant.



The learned counsel for the petitioners has further drawn the attention of this Court to the FIR which arises out of a complaint which indicates that for an occurrence which took place in the night intervening between 23rd and 24th of November, 2020, the complaint was lodged on 04.12.2020.

The learned Counsel for the petitioners has further submitted that over a small dispute, such wild allegations have been levelled against the petitioners.

It appears to be rather improbable, it has been argued, that the petitioner no. 3 along with his wife, son and daughter-in-law would commit such kind of an offence.

For the reasons stated above, the petitioners, above-named, in the event of their arrest or surrender before the court below within a period of six weeks, are directed to be released on bail 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 learned A.C.J.M. 1st, Saran at Chapra, in connection with Taraiya P. S. Case No. 436 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

This petition stands allowed.

(Ashutosh Kumar, J)

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