

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49306 of 2022

Arising Out of PS. Case No.-106 Year-2021 Thana- DESARI District- Vaishali

1. RANDHIR SINGH Son of Late Aseshwar Singh Resident of Village - Sahdei Khurd, PO.- Sahdei, P.s.- Desari, Distt.- Vaiashali.
2. Ragini Kumari @ Ragini Devi W/o Randhir Singh Resident of Village - Sahdei Khurd, PO.- Sahdei, P.s.- Desari, Distt.- Vaiashali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Singh, Advocate.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-12-2022 Heard Mr. Chandra Shekhar Singh, learned counsel

for the petitioners and Mr. Bhanu Pratap Singh, learned

Additional Public Prosecutor appearing for the State through

video conferencing.

Petitioners seek regular bail in connection with
Deshari (Sahdei O.P.) P.S. Case No. 106 of 2021 registered for
the offences punishable under Sections 341, 323, 307, 302 and
506/34 of the Indian Penal Code 1860.

As per the First Information Report, while the mother
of the informant was sitting at her door, the petitioners along
with other accused persons arrived there and asked her to put
signature on stamp papers saying that they would not return the



mortgaged land nor repay the mortgaged amount. When the mother of the informant refused to sign, co-accused Sudhir Singh assaulted the mother of the informant with iron rod on her head with intention to kill her. It has further been alleged that on noise when the father of the informant arrived at the place of occurrence, the said co-accused Sudhir Singh assaulted on his head also and, subsequently thereafter, the petitioners along with Shobha Devi and Babli Devi assaulted them by *lathi*.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to land dispute between the parties. Learned counsel next submits that both the parties are agnates and there is a dispute with regard to the mortgaged property between them. There is specific allegation against co-accused Sudhir Singh, who allegedly assaulted by means of rod upon the mother and father of the informant and no overt act has been alleged against petitioner No. 1, namely, Randhir Singh and only general and omnibus allegation against petitioner No. 2 has been alleged. Learned counsel further submits that at the time of occurrence, the petitioner No. 2 was pregnant and she has given birth to a child in the jail custody itself which would be evident from Annexure-3. Petitioners are husband and wife and they are in custody



since 17.6.2022.

Regards being had to the submission made by the parties and taking into consideration the fact that both the parties are agnates having land dispute between them, there is no specific allegation of assault against the petitioner No.1, there is general and omnibus allegation against petitioner No. 2 and she is a lady having given birth to a child in the jail custody, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. IX, Vaishali at Hajipur, in connection with Desari (Sahdei O.P.) P.S. Case No. 106 of 2021.

(Anil Kumar Sinha, J)

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