

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13659 of 2023

Arising Out of PS. Case No.-81 Year-2022 Thana- KHAIRA District- Jamui

1. Rajo Yadav Son Of Late Hiranman Yadav Resident Of Village - Badildih, P.S.- Khaira, District - Jamui.
2. Samfulwa Devi @ Samfool Devi Wife Of Rajo Yadav Resident Of Village - Badildih, P.S.- Khaira, District - Jamui.
3. Chunchun Kumar @ Chunchun Yadav Son Of Rajo Yadav Resident Of Village - Badildih, P.S.- Khaira, District - Jamui.
4. Awadhesh Kumar @ Awdhesh Yadav Son Of Rajo Yadav Resident Of Village - Badildih, P.S.- Khaira, District - Jamui.
5. Golu Kumar @ Golu Yadav Son Of Rajo Yadav Resident Of Village - Badildih, P.S.- Khaira, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate
For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-05-2023 Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

The accused/petitioners are named in the F.I.R. and apprehended their arrest in connection with Khaira P.S. Case No.81 of 2022 registered for the offences punishable under Sections 341, 323, 379, 354-B, 504 and 506/34 of the Indian



Penal Code and Section 3/4 of the Prevention of Witch Practices Act.

The allegation against the petitioners is to assault informant and others and also to outrage the modesty of wife of informant and further to took away cash worth Rs.10,000/- (Rupees Ten Thousand) from his pocket, where occurrence arises out of land disputes.

Learned counsel appearing on behalf of the petitioners submitted that petitioners have been falsely implicated in this case out of land disputes. It is further submitted that allegation of theft and outraging the modesty were imported in the present case only to aggravate the allegations. It is also submitted that present F.I.R. was lodged after delay of five days without having any just explanation, suggesting an after thought of false implication. It is further submitted that allegation is appearing very general and omnibus in nature. It is submitted that injury is 'abrasion' negating allegation as to caused by sword blow. While concluding the argument it is submitted that petitioners are of clean antecedent.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned



above and by taking note of the nature of accusation, where F.I.R. appears delayed, accordingly the petitioners above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks from this order, are directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jamui/concerned Court below where the case is pending in connection with Khaira P.S. Case No.81 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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