

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38720 of 2023

Arising Out of PS. Case No.-398 Year-2022 Thana- MAHUA District- Vaishali

MOTILAL SINGH Son of Jagdish Singh Resident of Vill.- Paharpur, P.S.-
Mahua, District – Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate

For the Opposite Party/s : Mr.Chandra Sen Pd Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 13-12-2023 Heard learned counsel for the petitioner and the State.

2. The petitioner apprehends arrest in a case registered for the offence punishable under sections 420, 354, 376/34, 302 and other allied sections of the Indian Penal Code.

3. As per the prosecution case, at about midnight, all the FIR named accused persons including this petitioner, pretending them to be police men, entered into the house of the informant. Thereafter, accused persons, on the point of pistol, took their thumb impression on papers, while co-accused Veenu Mishra and Uttam Kumar tried to outrage modesty of daughter-in-law of the informant. Accused persons assaulted the daughter-in-law of the informant by Nepali Khukhri causing injury on her head. They also assaulted mother-in-law of the informant who died later on during course of treatment.

4. Learned counsel appearing for the petitioner



submits that allegation of assault is general and omnibus against this petitioner and no specific overt act has been alleged against him. As a matter of fact, mother-in-law of the informant fell down on the floor and died of the injuries and taking advantage of the situation, informant falsely implicate the petitioner with whom she has land dispute. Allegation of assaulting the deceased and attempting to outrage the modesty of daughter-in-law of the informant is against other co-accused persons.

5. Considering the aforesaid facts of the case, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Vaishali at Hajipur in Mahua Police Station Case No. 398 of 2022, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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