

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11560 of 2024

Arising Out of PS. Case No.-236 Year-2023 Thana- JANDAHA District- Vaishali

1. Shanti Devi W/O BAIJNATH THAKUR @ BAIDYANATH THAKUR R/O VILLAGE- SHERPUR, PS.- JANDAHA, DIST.- VAISHALI.
2. ANJU KUMARI W/O SATENDRA KUMAR R/O VILLAGE- ISMILEPUR, PS.- HAJIPUR SADAR, DIST.- VAISHALI.
3. SATENDRA KUMAR @ SATYENDRA KUMAR S/O LATE RAM CHANDRA THAKUR R/O VILLAGE- ISMILEPUR, PS.- HAJIPUR SADAR, DIST.- VAISHALI.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy
For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-02-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Jandaha P.S. Case No. 236/2023 registered for the offences punishable under Sections 341, 323, 324, 353, 307, 379/34 of the Indian Penal Code.

3. As per prosecution case, petitioner and others are said to have come on the gate of the informant with various weapons and started abusing. It is alleged that when the informant protested them, then, co-accused Baijnath Thakur assaulted the informant by means of farsa upon her head as result of which she sustained head injury. It is further alleged



that petitioner no.3 Satindra Thakur thrashed the informant due to which she became undressed. It is further alleged that petitioner no.2 (Anju Kumari) snatched the gold chain of Rs.48,000/- from the neck of the informant. It is further alleged that all accused persons assaulted the informant by means of lathi-danda and fists and slaps.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case due to land dispute. Petitioners bear no criminal antecedent. No incriminating articles has been recovered from the conscious possession of the petitioners. There are general and omnibus allegation against the petitioners except petitioner no.3 Satendra Kumar who thrashed the informant and petitioner nos.1 and 2 are ladies. There is allegation against petitioner no.2 (Sanju Devi) of snatching the golden chain, but the same is ornamental in nature. He further submits that there is land dispute between the parties. In this context, facts are generally exaggerated in order to make the case graver. He further submits that there is specific allegation against co-accused Baijnath Thakur who assaulted the informant by means of farsa. He further submits that there is no specific allegation of assault



against the petitioners. In the light of the aforesaid submission, no case is made out against the petitioners under Section 307 of the I.P.C.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on 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, Vaishali at Hajipur in connection with Jandaha P.S. Case No. 236/2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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