

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17543 of 2024

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

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1. Uttam Kumar, S/O Arvind Singh @ Amrendra Singh, R/O Village-Paharpur, P.S- Mahua, Distt.- Vaishali.
 2. Annu Kumari, D/O Arvind Singh @ Amrendra Singh, R/O Village-Paharpur, P.S- Mahua, Distt.- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 21-06-2024 Heard Mr. Rajesh Kumar, learned counsel appearing on behalf of the petitioners and Mr. Yogendra Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Mahua P.S. Case No.398 of 2022, registered for the offences punishable under Sections 341, 323, 324, 325, 420, 354, 376, 511, 504 and 506/34 of the Indian Penal Code and later on Section 302 of I.P.C. was added.

3. Allegedly, in the midnight all the F.I.R. named accused persons including these petitioners, pretending them to be police men, entered into the house of the informant. All the accused persons on the point of pistol took the thumb



impression of the informant on papers. It is further alleged that the petitioners and one Veenu Mishra tried to outrage the modesty of daughter-in-law of the informant and all the accused persons thereafter assaulted the daughter-in-law of the informant by means of *Nepali Khukhri* causing injury on her head. The accused persons also assaulted mother-in-law of the informant who died later on during course of treatment.

4. Learned counsel for the petitioners contended that from the F.I.R. it is written that there is a long standing land dispute pending between the parties. Moreover, the allegation against the petitioners of outraging the modesty of the daughter-in-law has not been substantiated inasmuch as the informant in his re-statement as well as the victim has not supported the allegation constituting any offence under Sections 376/511 of the Indian Penal Code. It is further contended that the mother-in-law of the informant was an old lady sustained some injury in course of scuffle and later on she died during course of treatment. It is also the contention of the petitioners that even in the postmortem no apparent cause of death has been disclosed and the viscera has been sent to the Forensic Science Laboratory for the cause of death. In view of the postmortem report, the learned counsel for the petitioners further contended that the



entire prosecution case is based upon a false case. It is lastly contended that one of the co-accused namely, Motilal Singh having identical allegation has been allowed the privilege of anticipatory bail. The copy of which has been marked as Annexure-2 to the bail application.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submits that serious allegation has been levelled against the petitioners of outraging the modesty of woman apart from actively participating in causing murder of the mother-in-law of the informant.

6. Regard being had to the submissions made on behalf of the parties and considering the submission of the petitioners specifically the postmortem report wherein no injury has been found on the body of the mother-in-law of the informant coupled with the fact that during course of investigation, the police has not found any case true under Sections 376/511 of the I.P.C. and the petitioners have fair antecedent, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail



bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Vaishali at Hajipur in connection with Mahua P.S. Case No. 398 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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