

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20611 of 2024

Arising Out of PS. Case No.-491 Year-2020 Thana- WAJIRGANJ District- Gaya

1. Rajesh Shaw @ Rajesh Kumar S/O Devalal Shaw R/O Village- Motibagh, P.S- Wazirganj, Distt.- Gaya.
2. Pintu Shaw @ Pintu Kumar S/O Devalal Shaw R/O Village- Motibagh, P.S- Wazirganj, Distt.- Gaya.
3. Gulabi Devi @ Gulab Devi D/O Laxman Shaw R/O Village- Motibagh, P.S- Wazirganj, Distt.- Gaya.
4. Shirni Devi @ Sharni Devi W/O Devalal Shaw R/O Village- Motibagh, P.S- Wazirganj, Distt.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-04-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Wazirganj P.S. Case No. 491 of 2020, registered on 16.10.2020 for the offences under Sections 341, 323, 354, 379, 448, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners and other co-accused persons, who were armed with lathi, danda, bricks and stone, attacked the house of the informant and assaulted the informant and his wife and took away household



articles and they were demanding Rs.50,000/- as extortion.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The petitioners and informant are co-villagers and there is land dispute between the parties. Earlier petitioner no. 3 Gulabi Devi filed Wazirganj P.S. Case No. 464 of 2019 against the informant and others prior to lodging of the FIR and in retaliation thereof the present case has been lodged. In fact, the informant side is aggressor who brutally assaulted the petitioners and their family members. From the facts of the case, no offence under Sections 354 and 379 of the Indian Penal Code is made out against the petitioners as the allegation of sexually assaulting the wife of the informant is against co-accused. The petitioners have got criminal antecedent of one case which has been lodged by the family members of the informant.

5. Learned APP opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the history of criminal cases between the parties and further considering the general and non-specific nature of allegation against the petitioners and possibility of false implication, let the



petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Gaya/concerned court in connection with Wazirganj P.S. Case No. 491 of 2020, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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