

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54482 of 2024

Arising Out of PS. Case No.-269 Year-2023 Thana- MADHEPUR District- Madhubani

1. Santosh Kumar @ Santosh Kumar Yadav Son of Shivjee Yadav Resident of Village - Mahisham, P.S.- Madhepur, District - Madhubani.
2. Shivjee Yadav Son of Late Ramphal Yadav Resident of Village - Mahisham, P.S.- Madhepur, District - Madhubani.
3. Rinku Devi Wife of Santosh Kumar Resident of Village - Mahisham, P.S.- Madhepur, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Madhepur P.S. Case No. 269 of 2023 dated 26.10.2023 instituted
for the offence punishable under Sections 341, 323, 354(B), 379,
504, 506, 427, 447/34 of the Indian Penal Code.

3. The prosecution case, in short, is that on the alleged
date of occurrence, the petitioners armed with lathi-danda and
weapon, cut a tree planted on the land of the informant. On protest
made by the informant, they started assaulting her and disrobed
her. It is alleged that they snatched a gold chain worth of Rs.
25,000/- from her.



4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that the date of occurrence is 28.09.2023 and the F.I.R. has been lodged on 26.10.2023 after lapse of about one month without any plausible explanation. Learned counsel for the petitioners submits that the petitioner no. 3 had earlier filed a case bearing Madhepur P.S. Case No. 251 of 2023 dated 11.10.2023 under Sections 341, 447, 323, 354(B), 379, 427, 504, 506/34 of the Indian Penal Code against the husband of the informant and other family members. Learned counsel for the petitioners further submits that it appears from the F.I.R that there is a land dispute between the parties. The petitioners and the informant are the descendants from common ancestor. There is no specific allegation against the petitioners rather the allegation against the petitioners are general and omnibus. Lastly, it has been submitted that petitioners have no criminal antecedents.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Madhepur P.S. Case No. 269 of 2023, they will be released on bail 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 A.C.J.M. 1st Jhanjharpur, District-Madhubani, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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