

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62328 of 2024

Arising Out of PS. Case No.-62 Year-2024 Thana- SAHIYARA District- Sitamarhi

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1. Munni Devi, aged about 42 years, Female, Wife of Mukesh Singh, Resident of Dihti, PS- Sahiyara, District- Sitamarhi.
 2. Nishu Kumari, aged about 19 years, Female, Daughter of Mukesh Singh, Resident of Dihti, PS- Sahiyara, District- Sitamarhi

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Ayush Kumar, Advocate
For the Opposite Party : Mrs. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 18-09-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners seek bail in connection with Sahiyara P.S. Case No. 62 of 2024 dated 13.05.2024 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 325, 307, 504 and 506 of the I.P.C.

3. As per the prosecution case, on 12.05.2024 at about 3.30 P.M., the informant was present at his house, in the meantime, he received a call from Kishan Kumar, Court Bazar, Dumari Kala, who demanded one quintal *hen* from him, he told that he is unable to fulfill the said demand. Thereafter, his sister-in-law (*Bhabhi*) Munni Devi (petitioner no. 1) and her daughters



Nishu Kumari (petitioner no. 2), Mahima Kumari and Rupa Kumari challenged him and started abusing him. When he went out from his house after hearing abuse, then Kishan Kumar alongwith nine unknown persons who were boarded on five motorcycles came at his door with arms and assaulted him with *knife*, *iron rod* and with the *barrel* of the country made pistol. It is further alleged that in course of scuffle, his sister-in-law (*Bhabhi*) Munni Devi (petitioner no. 1) assaulted with *Dabia* on his head causing cut head injury and his niece (Nishu Kumari (petitioner no. 2) assaulted with *knife* on his head causing cut head injury. When the informant fell on the ground in injured condition, his sister-in-law (*Bhabhi*) and *niece* alongwith unknown persons who had come with Kishan Kumar assaulted him with *knife*, *iron rod* and the *barrel* of the country made pistol. When the villagers assembled there, the accused persons fled away on their motorcycles. The informant was brought to the Referral Hospital, Majorganj, by his mother and wife.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the petitioners are sister-in-law (*Bhabhi*) and *niece* of the informant. It is further submitted that the petitioner no. 1 has filed a Complaint Case



No. 1219 of 2023 on 26.09.2023 in the court of learned C.J.M., Sitamarhi, against her husband and the informant of the present case and only to save their skin from the complaint case, the present false case has been filed against the petitioners. The petitioners have no reason to assault the informant. The husband of the petitioner no. 1 has not been made accused in the present case which clearly shows the ill intention of the husband and his brother who is the informant of the present case. The petitioners have no connection with Kisan Kumar and other co-accused persons. The petitioner no. 1 is residing in *Ghaziabad* with her children because her husband and in-laws used to torture her. No incriminating article has been recovered from the possession of the petitioners. Learned counsel for the petitioners by filing a supplementary affidavit on behalf of the petitioners has submitted that as per the F.I.R. the petitioners have assaulted the informant with *Dabia* and *Knife* respectively but from perusal of the injury report of the informant, annexed as Annexure-P/3 to the supplementary affidavit, it appears that the injuries were caused by hard and blunt substance. It is submitted that neither the *Dabia* nor the *Knife* is hard and blunt substance. However, the doctor has opined the nature of injury of the informant is grievous. The petitioners are ladies. The petitioners have clean



antecedent as stated in paragraph no. 3 of the bail petition. The petitioners are in custody since 14.05.2024 in this case.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Sitamarhi in connection with Sahiyara P.S. Case No. 62 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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