

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65713 of 2024

Arising Out of PS. Case No.-361 Year-2024 Thana- MASHRAK District- Saran

- 1. Manorama Kumari, D/O Jhalan Mahto, R/O Vill.- Dhawari Gopal, P.S- Mashrak, District- Saran.
- 2. Sushila Devi, W/O Jhalan Mahto, R/O Vill.- Dhawari Gopal, P.S- Mashrak, District- Saran.
- 3. Jhalan Mahto, S/O Late Adalat Mahto, R/O Vill.- Dhawari Gopal, P.S- Mashrak, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mili Kumari, Adv.
For the Opposite Party/s : Ms. Uday Chand PrasadAPP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-01-2025 Heard Learned Advocate for the petitioners and the
learned APP for the State.

2. The petitioners apprehend their arrest in connection
with Mashrak P.S. Case No. 361 of 2024, registered for the
offences punishable under Sections 341, 323, 332, 303, 307, 504
and 34 of the Indian Penal Code.

3. Based upon the written report, the prosecution
alleges that when the informant along with other police
personnel went to the house of Taramati Devi, who happens to
be daughter-in-law of the petitioner nos. 2 and 3 to enquire into
an allegation, the accused persons started abusing and assaulting

Taramati Devi in presence of the informant; when the same was protested by the informant and other police, whereupon the accused persons including the petitioners also abused and assaulted the police personnel, resulting into injuries to Constable Vijendra Singh and driver Roshan Tiwary.

4. Learned counsel appearing on behalf of the petitioner contended that in fact, the Taramati Devi, who happens to be the daughter-in-law of the petitioner nos. 2 and 3 is working as a cook of the informant and because of some family feud, the informant has instituted this case in order to put pressure and wreck vengeance. On the alleged date of occurrence, in fact, no such occurrence has taken place. Moreover, prior to the institution of this case, the son of the petitioner no. 3 and his wife made a complaint to police against her in-laws for which Mashrak P.S. Case No. 360 of 2024 was registered and in order to fortify the allegation and to put pressure, the present case is instituted. The petitioners are persons of fair antecedent prior to the institution of both these two cases and they have never been found indulge in any criminal case. Moreover, they never ever dare to assault the police personnel.

5. On the other hand, learned counsel for the State

vehemently opposed the bail application and submits that the petitioners have created nuisance and caused obstruction in the discharge of the official duty.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the injury report which only demonstrates abrasion and body ache, 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) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VII, Saran at Chapra, in connection with Mashrak P.S. Case No. 361 of 2024, 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 petitioner.

(Harish Kumar, J.)

Jyoti Kumari/-

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