

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37739 of 2021**

Arising Out of PS. Case No.-114 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. Munni Devi, Female, aged about 39 years, wife of Mr. Subodh Singh.
 2. Rinku Devi, Female, aged about 37 years, wife of Mr. Santosh Singh.
 3. Komal Kumari, Female, aged about 18 years, daughter of Mr. Santosh Singh.
 4. Chhoti Kumari, Female, aged about 14 years, daughter of Mr. Subodh Singh.
All resident of Village - Mohanpur, P.S.- Muffasil, District- Begusarai.
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
For the State	:	Mr. Md. Arif, APP
For the Informant	:	Mr. Nasrul Huda Khan, Advocate

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 06-08-2021

The matter has been heard *via* video conferencing.

2. The case has been taken up out of turn on the basis of motion slip filed by learned counsel for the petitioner on 26.07.2021, which was allowed.

3. Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioners; Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Nasrul Huda Khan, learned counsel for the informant.

4. The petitioners apprehend arrest in connection with Muffasil PS Case No. 114 of 2021 dated 23.02.2021, instituted



under Sections 147, 148, 149, 341, 323, 324, 448, 379, 302, 427, 354 of the Indian Penal Code.

5. The allegation against the petitioners no. 1 and 2 is that they assaulted the mother of the informant with iron rod and stick and also snatched the gold chain and ear ring, whereas, the petitioner no. 3 is said to have assaulted the sister of the informant with stick and thereafter it is alleged that all the accused, including other male members of the family of the petitioner, had entered into the house and looted Rs. 27,000/- and further, against the petitioner no. 4 is that she had also bitten the sister of the informant and all the accused are said to have damaged the motorcycle belonging to the father of the informant by iron rod and stones and had also taken away three mobile phones from the house. It is alleged that the father of the informant was killed due to assault by the accused.

6. Learned counsel for the petitioners submitted that both the families were agnates and they have been falsely implicated. It was submitted that no reason has been assigned in the FIR for the occurrence, whereas, accused Santosh Singh of the present case has lodged Muffasil PS Case No. 115 of 2021 on the same day for the same occurrence where it is alleged that the informant of the present case, along with his brothers, had



teased and harassed one of the petitioners and when the family members of the petitioners confronted the informant, they were abused and assaulted along with other family members. Learned counsel submitted that the deceased is the own uncle of co-accused, Santosh Singh, Subodh Singh and Randhir Kumar, and both the sides are neighbours. Learned counsel submitted that the case is false also for the reason that there is no injury report of the mother of the informant and as far as the sister of the informant is concerned, the injury report shows only one lacerated wound above left half upper lip 1" x 1/2" and no sign of bite was found by the doctor. Thus, it was submitted that the injury itself appears to be superficial. It was submitted that the entire family, including the petitioners, who are female members having clean antecedent, have been implicated with ulterior motive and as far as the death of the father of the informant is concerned, the assault on him is attributed to the other male co-accused and not the petitioners. It was submitted that another aspect of the matter is that in the FIR itself it is alleged that when other male members of the petitioners, who are also co-accused, were assaulting the father of the informant, the police had arrived and, thus, if the same is true, then there could not have been any further assault on the father of the informant and



the accused would also have been arrested there itself on 22.02.2021, but neither any case was lodged nor arrest made on 22.02.2021 and only after the case was instituted on 23.02.2021, the male members of the petitioners, who are accused in the present case, were arrested. It was submitted that the informant side had blocked the state highway and indulged in brick-batting with the police for which Muffasil PS Case No. 117 of 2021 dated 23.02.2021 under Sections 147, 148, 341, 323, 504, 353, 332 of the Indian Penal Code was also instituted, in which the informant of the present case and others are accused.

7. Learned APP submitted that the petitioners are alleged to have assaulted the mother and bitten the sister of the informant.

8. Learned counsel for the informant submitted that the father of the informant has died due to assault. However, it was not controverted that the assault on the father of the informant is attributed to the male co-accused in the case and not the petitioners and also that there is no injury report with regard to the mother of the informant as also that only a lacerated wound on the upper lip of the sister of the informant has been found by the doctor, as noted in the injury report.

9. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, in the tentative view of the Court, the allegations against the petitioners, who have been made accused along with their other male members, are not corroborated by the material brought before the police, inasmuch as, there is no injury report with regard to the mother of the informant and further that the sister of the informant has suffered only a lacerated wound above the left half upper lip and the petitioners are ladies without any criminal antecedent, the Court is inclined to allow their prayer for grant of pre-arrest bail.

10. Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai, in Muffasil PS Case No. 114 of 2021, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond and give undertaking with regard to good behaviour of the petitioners, and (iii) that the petitioners shall cooperate with the Court and



the police/prosecution. Any violation of the terms and conditions of the bonds or undertaking or failure to cooperate shall lead to cancellation of their bail bonds.

11. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner(s).

12. The petition stands disposed of in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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