

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36552 of 2015

Arising Out of PS.Case No. -126 Year- 2014 Thana -CHAURADANO District-
EASTCHAMPARAN(MOTIHARI)

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1. Alka Pandey Wife of Pranay Raj
2. Pranay Raj Son of Late Shyam Deo Pandey Both Resident of village -
Hiramani, P.S. Chhauradano, District - East Champaran

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Pankaj Kumar, Advocate.

For the Opposite Party : Mr. Narendra Kumar Singh(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 09-11-2015 Heard both sides.

The petitioners apprehend their arrest in registered for the offences punishable under Sections 341, 313, 379, 323, 324, 448, 504 and 34 of the Indian Penal Code.

The informant alleged that while she was in her house her elder sister-in-law and the husband of Alka Pandey came and wanted to go away after locking the rooms falling in her share. The informant protested, on such Alka Pandey and her husband Pranay Raj, the petitioners are alleged to have abused the informant. Pranay Raj is alleged to have assaulted the informant with leg on her abdomen causing miscarriage of two months foetus.



It is submitted that there is no evidence to show that the petitioners assaulted the informant. No injury either external or internal was found. Arbind Pandey the husband of the informant and Pranay Raj are own brothers. There is a land dispute between both the brothers for partition of the immovable property including the house situated at Motihari as well as in the native village. It is further submitted that that is why this false case has been lodged to settle the dispute. The informant is claiming Rs. 15 lakhs due against the petitioners.

Shri Patanjali Rishi, the learned counsel for the informant as well as the learned APP however opposed the prayer for anticipatory bail of the petitioners. The informant filed counter affidavit showing that the informant was admitted in hospital on being referred. There was bleeding. But, from perusal of the medical prescription, it appears that there was no external or internal injury and the cause of bleeding was not on account of assault as apparent from the medical prescription annexed in the counter affidavit.

Having considered the facts aforesaid and the facts that the petitioners are non-else than elder sister-in-law and brother-in-law of the informant and there is dispute with regard to partition, the petitioners above named, 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, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Learned Sub-Divisional Judicial Magistrate, Raxaul at Motihari in Chhauradano P.S. Case No. 126 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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