

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45737 of 2015

Arising Out of PS.Case No. -113 Year- 2015 Thana -DAGARUA District- PURNIA

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1. Lakhiya Devi wife of Basant Chauhan
 2. Chanda Devi wife of Hare Ram Chauhan
 3. Sita Ram Chauhan son of Bhulan Chauhan
 4. Sanju Kumari D/o Basant Chauhan All Resident of village- Adhkeli, P.S. Dagarua, District Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. Khurshid Anwar(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 14-10-2015

Heard Mr. Ram Pravesh Kumar, learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners apprehend their arrest in Dagarua P.S. case No. 113 of 2015 for the offences alleged under Section 147, 323, 354, 379, 452, 313 and 504 of the Indian Penal Code.

The prosecution case is that when the informant was talking with her villager, Aruna Devi, with regard to Adhar card, all of a sudden all the accused persons named in the FIR including the petitioners forming an unlawful assembly with deadly weapons entered into her house and co-accused Hare Ram Chauhan by abusing her told that he has purchased the house from her father-in-law through registered sale deed and she will not



make Adhar card on the address of the said house and left the house. The informant made protest then accused Hare Ram Chauhan became furious and ordered the accused persons to throw her house hold articles and directed her to vacate the house. On this all the accused persons starting assaulting her by fists and slaps. Accused Lakhiya Devi and Sanju Kumari caught her hair and dragged her in the Aangan on which she fell down. Thereafter, accused Hare Ram Chauhan gave leg blow on her abdomen on account of which informant sustained severe pain because she was pregnant and he also caught and pushed her Sari due to which the informant became semi- naked. Thereafter her husband came then the accused persons assaulted her husband by fists and slaps. Hare Ram Chauhan entered into her house and took ornaments and cash of Rs. 5000/- kept in the box and went to his house. After the occurrence she along with her husband were going to P.S. but on the way the Mukhiya told her to first get herself treated then he will make Panchayat but Panchayat did not take place. On 23.04.2015 she was treated at Sadar Hospital and after ultra-sound report she found that her pregnancy had aborted.

It has further been submitted by learned counsel for the petitioners that the allegations arise out of a land dispute and due to enmity. It has further been submitted by learned counsel for

the petitioners that the petitioners have no criminal antecedent which finds place at paragraph 3 of the petition. It has been submitted that the date of occurrence is 17.03.2015, as alleged in the complaint petition, but the complaint case was lodged on 07.04.2015, i.e., after about more than 20 days of the occurrence. Further more, it has further been submitted by learned counsel for the petitioners that the allegations are general and omnibus.

Be that as it may, in case of arrest or surrender within a period of six weeks from today before the court below, the above named petitioners will 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 Smt. Sachi Mishra, learned Judicial Magistrate, 1st class, Purnea in Dagarua P.S. Case No. 113 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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