

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40955 of 2015

Arising Out of PS.Case No. -15352 Year- 2014 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

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1. Bal Ram Chaudhary S/o late Hari Narayan Chaudhary
2. Bipin Chaudhary S/o Radha Chaudhary
3. Radha Chaudhary s/o Late Surya Narayan Chaudhary
4. Nitu Chaudhary@Ritu Raj Chaudhary S/o Bipin Chaudhary
5. Pappu Chaudhary@Anjani Kumar Chaudhary S/o Bal Ram Chaudhary
6. Bachchu Chaudhary@Pankaj Kumar Chaudhary S/o Bal Ram chaudhary
All are Residents of Village -Korjana P.s Cheria, Bariarpur District
Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sri Ram Paswan S/o late Dukha Paswan R/o Village- Bikrampur P.s
Cheria Bariarpur dist -Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shyameshwar Dayal

For the Opposite Party/s : Mr. Dr.Indiwar Kumari (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 07-10-2015

Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a complaint case in which process has been directed to be issued after cognizance being taken for the offences punishable under Sections 341 and 323 of the Indian Penal Code and section 3(1)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

The prosecution case is that the petitioners nos. 2 and 3 tried to throttled the complainant by putting rope around his neck,

damaged the house hold articles worth rupees five thousand, petitioner nos. 4 and 5 took away box containing twelve thousand rupees and the bicycle when petitioner no. 6 tried to outrage the modesty of the informant's wife.

It is submitted by the learned counsel for the petitioners that for the occurrence of 9.11.2014 at 9 A.M. the complaint was filed on 10.11.2014. For the same occurrence wife of the complainant made complaint to the Superintendent of Police, Begusarai on the basis of which 107 Cr.P.C. proceeding was initiated vide non-FIR Case No. 129 of 2014 which was subsequently dropped since the wife of the complainant failed to appear. More over, the occurrence took place in the house of the complainant, hence no offence under the provision Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act is made out.

Considering the nature of accusation ventilated through complaint when for the same occurrence a proceeding under section 107 Cr.P.C. was initiated, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the

satisfaction of learned ACJM, Begusarai in connection with
Complaint Case No.15352 C of 2014 subject to the conditions as
laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Anil/-

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