

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47399 of 2014

Arising Out of PS.Case No. -151 Year- 2014 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

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1. Rakesh Prasad Narayan Sahi @ Rakesh Prasad Narain Shahi S/o Late
Kapil Deo Prasad Narayan Shahi

2. Shanti Devi @ Shanti Shahi W/o Rakesh Prasad Narain Shahi

Both residents of New Professors Colony, P.S. - Begusarai, Town and
District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Radha Raman Chaudhary S/o Madan Mohan Chaudhary R/o Village -
Dumari, P.S. - Biraul, District- Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

2 07-05-2015 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend arrest in Complaint Case
No. 151 of 2014 dated 20.02.2014, T. R. No. 4311 of 2014
instituted under Sections 147/ 148/ 149/ 323/ 341/ 342/ 364/ 384/
468/ 467/ 468/ of the Indian Penal Code and 27 of the Arms Act.

The allegation against the petitioner no. 1 is that he along with two others had forcibly abducted the complainant from the bus-stand and taken him to a secluded place and confined him in a room where petitioner no. 2 was also present and he was assaulted and gold chain worth Rs. 45,000/- and watch worth Rs. 11,00/- were also taken away.

Learned counsel for the petitioners submits that complainant is the brother of the husband of the brother-in-law ('sala') of petitioner no. 1 and brother of petitioner no. 2 and because of differences between the husband and wife for which the sister of the complainant has lodged a case under Sections 498A and 120B of the Indian Penal Code against the petitioners also, in order to exert pressure on the husband of the complainant as well as the petitioners to transfer land in favour of the sister of the complainant, this false case has been registered. It is submitted that in the case filed by the sister of complainant under Sections 498A and 120B of the Indian Penal Code the petitioners had been granted anticipatory bail by the court below itself. It is further submitted that the allegation itself is unbelievable and, especially in the background of the past false implication of the petitioners by the sister of the complainant, the complaint case itself is clearly an abuse of the process of the Court. It is submitted that in the year 1998 when the first wife of the brother-in-law of petitioner no. 1

and brother of petitioner no. 2 had died, a case was registered in which also they have been granted anticipatory bail.

Learned A.P.P. opposes the prayer for anticipatory bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, 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.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the concerned Judicial Magistrate, 1st Class, Rosera, Samastipur in Complaint Case No. 151 of 2014, T. R. No. 4311 of 2014, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioners shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall lead to cancellation of their bail bonds.

(Ahsanuddin Amanullah, J)

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