

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21760 of 2015

Arising Out of PS.Case No. -88 Year- 2014 Thana -ARA HARIJAN District- BHOJPUR

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1. Janardan Prasad son of Laxman Prasad
2. Laxmi Devi wife of Janardan Prasad, Both are resident of Piro, Ward No. 10, Police Station- Piro, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Jitendra Ram @ Jitendra Prasad, son of Baliram Ram, resident of village- Jamuaon, P.S.- Piro, District- Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madan Jeet Kumar

For the Opposite Party/s : Mr. Ram Shankar Das(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 08-07-2015 Heard Mr. Kumar for the petitioners and Mr. Dayal, APP
for the State.

Two petitioners herein are husband and wife and are facing accusations punishable under Sections 379 and other allied sections of the Penal Code and Section 3(I)(VIII)(X) of SC/ST (Prevention of Atrocities) Act.

In relation to an occurrence committed on 24.8.2014, the complaint was lodged by the complainant on 17.9.2014 which was later treated as F.I.R. alleging that the petitioner no. 2 was an agent under him. A sum of Rs. 20,000/- was advanced to petitioner no. 1 which was not returned. When demand was made, it is alleged that he was abused by caste name and assaulted.

Counsel for the petitioners submits that prior thereto the

petitioner no. 2 had lodged a case against the informant of the present case under Sections 354A and 379 IPC alleging that finding her alone in the house, the petitioner intruded into the house and tried to molest her. It has also been submitted that even going by the allegations, the abuse allegedly was not hurled in public view.

Taking into account the peculiar facts of the case, I am persuaded to privilege the petitioners with the anticipatory bail. In the event of arrest or surrender in the Court below within four weeks, the petitioners abovenamed are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in Piro SC/ST P.S. Case No. 88 of 2014 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioners.

(ii) In case of framing of charge, the petitioners shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to

cancel the bail bond of the petitioners and secure their arrest in
accordance with law.

Pankaj/-

(Kishore Kumar Mandal, J)

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