

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46081 of 2014

Arising Out of PS.Case No. -477 Year- 2014 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

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1. Bishundeo Rai @ Bishandev Rai @ Bishnudeo Rai, son of Late Brij Nandan Rai

2. Kapildeo Rai @ Kapildev Rai, son of Late Ram Vilas Rai
Both residents of village- Bhadoghat, P.S.- Warisnagar, District-
Samastipur

.... Petitioners

Versus

1. The State of Bihar
2. Parmila Devi, wife of Uday Prasad Rai, resident of village- Bhadoghat,
P.S.- Warisnagar, District- Samastipur

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha

For the Opposite Party/s : Mr. Veena Kumari Jaiswal(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

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2 10-04-2015 Heard Sri Ramakant Sharma, learned Senior Counsel,

who was assisted by Sri Jitendra Narain Sinha, learned counsel for

the petitioners and Smt. Veena Kumari Jaiswal, learned Addl.

Public Prosecutor.

Two petitioners, apprehending their arrest in

Complaint Case No.477 of 2014 registered for the offence under

Sections 147/ 148/ 323/ 325/ 354/ 354B/ 379/ 380/ 452/376/ 511/

500/ 501/ 504/34 of the Indian Penal Code and Sections 4 and 6 of

the Prevention of Witch Practice Act, 1999, in which the learned

Magistrate has taken cognizance of offence under Section 354B

and 379 of the Indian Penal Code, have prayed for grant of

anticipatory bail.

Learned counsel for the petitioners submits that both sides i.e. the complainant's side and petitioners side are *Gotias* and in between them land dispute is continuing and even there is case and counter case. It has further been argued that prior to lodging of the complaint, petitioner no.1 had also informed the *Sarpanch of Gram Panchayat Basantpur Ramni* in writing that there is possibility that he may be implicated in false cases.

Keeping in view nature of accusation as well as the fact that in stead of approaching the police, a complaint petition was filed, the Court considers that it is a fit case for extending the privilege of anticipatory bail to the petitioners. Accordingly, let petitioners, namely, (i) Bishundeo Rai @ Bishandev Rai @ Bishnudeo Rai (ii) Kapildeo Rai @ Kapildev Rai, in the event of their arrest or surrender within eight weeks from today, 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 learned Judicial Magistrate, 1st Class, Samastipur in connection with Complaint Case No.477 of 2014 subject to the condition as laid down in Section 438 (2) of the Code of Criminal Procedure.

NKS/-

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(Rakesh Kumar, J)