

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1536 of 2016

Arising Out of PS.Case No. -430 Year- 2014 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

- =====
1. Rajesh Ranjan Son of Shree Rameshwar Pd. At present S.H.O. Laheri P.S. and District Nalanda
 2. Suryabhushan Pd. son of Ganauri Pd. At present P.S.I. Sialo, P.S. and District- Nalanda
 3. Rajan Malviya son of Shri Shivshankar Pd. Barnwal, at present P.S.I. Rajgir, District- Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. Swami Sahjanand Advocate Civil Court, Hilsa (Nalanda) at present resident of Mohalla- Gabra Par, Hilsa, P.S.- Hilsa, District- Nalanda

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Khurshid Alam

For the Opposite Party/s : Mr. Ambika Bhagat(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-01-2016 Petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 323, 341, 380, 354, 427/34 of the Indian Penal Code and Section 3(1)(x)(xi) and 4/6 of the SC & ST (Prevention of Atrocities) Act.

The prosecution case is that the complainant is young practitioner of Civil Court, Hilsa. It is alleged that on 20.05.2014 at 2:00 P.M the accused persons entered into the house of the complainant, abused by calling caste name and made assault. On alarm being raised, when the wife of the complainant came to rescue then petitioner No. 1 misbehaved by calling caste name and took away gold chain of the wife of

the informant. It is alleged that petitioner Nos. 2 and 3 took out cash of Rs. 1000/- and Rs. 2000/- respectively from the pocket of the informant.

It is submitted by learned counsel for the petitioners that petitioner No. 1 is SHO of Laheri P.S, whereas petitioner Nos. 2 and 3 are S.I of police and due to the dispute between the complainant and his agnate, for which Sanha Entry No. 477 was made on 20.05.2014 and petitioner Nos. 1 and 2 recommended for initiation of 107 and 144 Cr.P.C proceedings between the parties, the present case has been lodged with malicious accusation after two days of the occurrence. Moreover the occurrence took place inside the house of the complainant which can not be treated to be in public view.

Considering the delayed lodging of the complaint and initiation of 107 and 144 Cr.P.C proceedings at the hands of the petitioners at earlier point of time, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, 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 Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Complaint Case No. 430(C) of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

It is expected from the petitioners not to be a part of any investigation which was generated at the behest of the complainant.

Shageer/-

(Dinesh Kumar Singh, J)

U		T	
---	--	---	--