

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33617 of 2016

Arising Out of PS.Case No. -30 Year- 2016 Thana -NAUTAN District- SIWAN

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1. Bhupendra Tiwari Son of Ramadhar Tiwari Resident of Village - Kurmauta, P.S. - Nautan, District - Siwan (Bihar).
 2. Sandeep Tiwari Son of Tarkeshwar Tiwari Resident of Village - Kurmauta, P.S. - Nautan, District - Siwan (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Murlidhar, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 19-10-2016 Heard both sides.

The petitioners apprehend their arrest in Nautan P.S. Case No. 30/2016, registered for the offences punishable under Sections 341, 323, 354A and 394 of the Indian Penal Code.

The informant filed complaint case no. 2867/2015 on 08.10.2015 with regard to occurrence said to have been taken place on 02.10.2015 on the basis of which the present F.I.R. was registered. The informant alleged that while she had gone to attend the call of nature in the evening of 02.10.2015 Bhupendra Tiwari (petitioner no. 1) pressed her mouth and private parts of her body and Sandeep Tiwari made attempt to kill her and snatched Mangal Sutra worth Rs. 50,000/- from her neck.



Learned counsel for the petitioners submits that the occurrence is staid to have taken place on 02.10.2015, but the complaint petition was filed on 08.10.2015 i.e. after delay of six days. The petitioners, complainant and her husband had on litigating term from before. Ranvijay Tiwari is the husband of the informant who earlier filed Nautan P.S. Case No. 101/2015 under Section 323 and other Sections of the Indian Penal Code against Sandeep Tiwari and Tarkeshwar Tiwari and wife of Tarkeshwar Tiwari. Ranvijay Tiwari also initiated proceeding under Section 107 Cr. P.C. vide case no. 131/2015 on 22.07.2015 in which Tarkeshwar Tiwari, wife of Tarkeshwar Tiwari, Sandeep Tiwari and Dimple Devi are made second party. The informant Sheela Devi wife of Ranvijay Tiwari has also got a proceeding under Section 107 Cr. P.C. on 30.09.2015 and after two days the informant filed this case. No such occurrence took place and on account of land dispute false case has been lodged.

On the other hand, learned counsel for the informant as well as learned A.P.P. vehemently opposed the prayer for anticipatory bail and submitted that during the course of investigation the witnesses have supported the factum of occurrence. On the face of the records it appears that occurrence took place on 02.10.2015 at about 7.00 in the evening, but the

complaint petition was filed on 08.10.2015. There is series of litigation between the petitioner, the informant and her husband. Two proceeding under Section 107 Cr. P.C. were initiated just before the institution of the present case. The husband of the informant also filed Nautan P.S. Case no. 101/2015 on 18.07.2015 just two months before lodging of the present case.

Considering the facts aforesaid, the petitioners above-named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to 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 Additional Chief Judicial Magistrate IX, Siwan in connection with Nautan P.S. Case No. 30/2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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