

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51426 of 2016

Arising Out of PS.Case No. -107 Year- 2004 Thana -SONO District- JAMUI

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1. Johri Thakur @ Jaduri Thakur, Son of Late Babulal Thakur
2. Chutari Thakur @ Krishan Thakur @ Katari Thakur, Son of Late Chhathu Thakur, Both Resident of Village- Jokatiya, P.S. Sono, District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Opposite Party/s : Mr. Satyadev Prasad Singh Yadav

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 22-12-2016 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners are languishing in judicial custody since
1st September 2016 in connection with Sono Police Station Case
No. 107 of 2004 for offences alleged under sections 341, 323, 504,
376/34 of the Indian Penal Code. .

Prosecution case, as lodged by the complainant, is
that initially a complaint was lodged by the complainant, Meera
Devi, being Complaint Case No. 265C/2001, which was, later on,
converted into F.I.R. u/s 156 (3) of the Cr.P.C.

The prosecution case is that the informant visited her
Sasural for getting some grains from her field where she saw that



her agnates were constructing the house on her field and on protest, they stated that her husband has taken Rs. 20,000/- from them, as such, this field belongs to them and on the protest of showing money receipt given by her husband, they have committed rape on her.

It has been submitted by the counsel for the petitioners that petitioners are innocent and have falsely been implicated in the aforesaid case and have no criminal history. The present case has been lodged only out of previous enmity and land dispute. It has further been submitted that the Police, during investigation, has not found the case true, under section 376 I.P.C. but later on, the Magistrate has taken cognizance under that section. It has further been submitted that all other sections are bailable and the charge sheet has already been submitted, hence there is no chance of tampering with the prosecution evidence.

However, learned APP for the State submits that the petitioners are named accused, hence opposes the prayer for bail

Considering the aforesaid facts and circumstances and that the matter arises out of land dispute and petitioners being agnates of the informant, let the petitioners, named above, 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 Sri Amrendra Kumar, Judicial Magistrate 1st class, Jamui in connection with Sono Police Station Case No. 107 of 2004, subject to the condition that one of the bailors must be close relative of the petitioners and other bailor must have sufficient immovable property within a jurisdiction of concerned police station and the petitioners must appear before the court below on each and every date and failure to appear before the court below on two consecutive dates without assigning any rhyme or reason, will be liable for cancellation of their bail bonds.

(Nilu Agrawal, J)

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