

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44565 of 2015

Arising Out of Complaint.Case No. -5852 Year- 2015 Thana -NAWADAH COMPLAINT CASE
District- NAWADA

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1. Chhote Lal Yadav, Son of Late Jagdeo Yadav,
 2. Chandeshwar Yadav, Son of Late Jagdeo Yadav,
 3. Anita Devi, wife of Chhote Lal Yadav,
 4. Santosh Yadav, son of Chandeshwar Yadav, all are residents of Village - Baksoti, P.S.- Govindpur, District - Nawada

.... Petitioners

Versus

1. The State of Bihar
2. Kiran Devi, wife of Mahesh Choudhary, resident of Village - Baksoti, P.S.- Govindpur, District - Nawada

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Shailendra Kumar, Advocate.

For the Opposite Parties : Mr. Ambika Bhagat(Spl.APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 03-03-2016 Heard learned counsel for the petitioners, learned counsel for complainant and learned Special P.P. for the State.

Petitioners apprehend their arrest in connection with Complaint Case No. 5852 of 2015 registered for offences alleged under Sections 504, 323, 427, 452 of the Indian Penal Code and under Sections 3(v)(i)(ii) of SC/ST (P.O.A.) Act.

The prosecution case is that on 05.03.2015 at 4.00 P.M., when the complainant was sitting in her house, in the meantime Chhote Lal Yadav and Chandeshwar Yadav came there and demanded Toddy, upon which, she told them that there is no Toddy then they have abused her naming her caste and entered in her house. Petitioner Chhotelal Yadav caught her hand and petitioner Chandeshwar Yadav had torn her blouse and misbehaved with her. On *hulla*, neighbours came there then they fled away

by abusing her naming her caste. Again at 5.00 P.M., all the accused persons armed with *lathi*, *danda* came there and Anita Devi caught the hair-lock of the complainant and pushed her down and other accused persons assaulted her with *lathi*, *danda* and Santosh Yadav took the box containing clothes, ornaments worth Rs. 25,000/- and Anita Devi took the silver chain of about Rs. 5000/- and they also damaged pots of Toddy.

It has been submitted by the learned counsel for the petitioners that they are innocent having committed no offence and do not have a criminal history. It has further been submitted that there was some land dispute where *parcha* was given in the name of petitioner no.3 and in order to grab the said land, false case has been instituted against these petitioners. It has also been submitted that a Misc. Case No. 96/2015 has been filed by the petitioner no.1 against the family members of the complainant's husband.

However, learned counsel appearing on behalf of the complainant submits that he has no connection with the land dispute and only on the pretext of asking Toddy from the complainant, this occurrence has taken place.

Since the petitioners have no criminal antecedent, hence let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Nawada in connection with Complaint Case No. 5852 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, it is made clear that if the petitioners are found committing offence of similar nature, the learned Court below will be at liberty to cancel the bail bonds of the petitioners without being prejudiced by this order.

(Nilu Agrawal, J)

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