

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2749 of 2016

Arising Out of PS.Case No. -1044 Year- 2012 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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1. Shyam Bihari Giri son of Parshuram Giri
 2. Chandan Giri @ Chandan Kumar Giri son of Shyam Bihari Giri, resident of village- Mahuawa, P.S.- Purushottampur, District- West Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Rajendra Ram son of Late Mahabir Ram resident of village- Marjadawa, P.S.- Pursottampur, District- West Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey
For the Opposite Party/s : Mr. J.N.Thakur(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-01-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 341 and 504 of the Indian Penal Code and Section 3 (I) (III) (X) of the SC/ST (Prevention of Atrocities) Act.

The prosecution case is of abusing and assaulting the informant in the background of dispute with regard to drinking water from public water supply.

It is submitted by learned counsel for the petitioners that initially the complaint was filed on 19.05.2012 wherein the process was directed to be served after cognizance being taken for



the offences punishable under Sections 341, 323, 355, 427 and 504 of the IPC but the said order of issuance of process was challenged by the complainant in Cr. Rev. No. 34 of 2013 and consequent to the revisional order, the order of cognizance was revised vide order dated 16.07.2015 by learned Magistrate and then fresh cognizance order was passed whereby cognizance was taken for the offences punishable under Sections 323, 341 and 504 of the IPC and Section 3 (I)(II)(X) of the SC/ST (Prevention of Atrocities) Act. It is further submitted that the complainant is in habit of lodging frivolous cases as he had lodged Purushottampur P.S. Case No. 63 of 2015 with similar accusation against the other persons. The complainant has been set up by the own brother of the petitioner no.1 to lodge the present complaint since he is on inimical terms and title suit is going on between them. Initially, no offence was found Sections 3 (I) (X) of the SC/ST (Prevention of Atrocities) Act. Moreover, for the petty dispute, the accusation has been levelled and the petitioners have no criminal antecedent except one case which was lodged by the own brother of the petition no.1.

Considering the genesis of the occurrence, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within

a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Bettiah, West Champaran in connection with Complaint Case No. 1044C of 2012, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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