

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7902 of 2016

Arising Out of PS.Case No. -1298 Year- 2008 Thana -KHAGARIA COMPALINT CASE District-
KHAGARIA

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1. Dharmendra Prasad Chaurasiya Son of Late Dineshwar Chaurasiya
2. Sunil Kumar Chaurasiya sonof Late Ramnarayan Chaurasiya
3. Bajo Prasad Chaurasiya son of Sirchan Prasad Chaurasiya All are
resident of village- Maliya, P.S.- Gogari, District- Khagaria

.... Petitioners

Versus

1. The State of Bihar
2. Nirmala Devi W/o Late Suraj Pandit, resident of village- Bari Maliya,
P.S.- Gogari, Distt.- Khagaria

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bishweshwar Ram

For the Opposite Party/s : Mr. Kumar Virendra Narayan (App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 06-04-2016

Heard learned counsel, appearing on behalf of the
petitioners, and the learned Addl. Public Prosecutor, appearing on
behalf of the State.

This application for grant of anticipatory bail arises out
of Complaint Case No. 1298C/2008, disclosing offences under
sections 302, 201/34 of the Indian Penal Code.

Initially a First Information Report was lodged, in which
the police submitted final report finding the case to be false, as has
been stated in the present application seeking anticipatory bail.
The said final report is said to have been accepted by the
concerned court. Thereafter a protest cum complaint petition



appears to have been filed vide Complaint Case no. 1298(C)/2008. The said complaint petition was dismissed on 6.5.2009. It appears from the petition that upon some order passed in revisional jurisdiction by the learned Sessions Judge, the matter was remanded back to the lower court for taking further evidence. The complaint petition was again dismissed on 1.3.2012 as the Magistrate did not find any prima facie case. It appears that the complainant again filed criminal revision application against the order dated 1.3.2012 which was allowed after setting aside of the order dated 1.3.2012. The learned court below has taken cognizance thereafter and has issued summons. Accordingly, apprehending their arrest, the present petitioners have filed the present application for anticipatory bail.

Considering the manner, in which the case has proceeded right from institution of the F.I.R. in 2007, this application is allowed.

Let the petitioners, abovenamed, in the event of their arrest/ surrender before the court below within six weeks from today, be released 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 Brajesh Kumar, Judicial Magistrate, 1st Class, Khagaria in Complaint Case No. 1298C/ 2008, subject to

the conditions as laid down under section 438(2) of the Cr.P.C.

This is subject to the condition that the petitioners shall present themselves before the police/ court, as the case may be, as and when required and in the event of failure on their part to appear before the court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Surendra/-

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