

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.21177 of 2016**

Arising Out of PS.Case No. -419 Year- 2014 Thana -AURANGABAD COMPLAINT CASE  
District- AURANGABAD

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1. Raj Wasia Devi @ Rajbasiya Devi, wife of Rajeshwer Yadav  
2. Mano Devi, daughter of Rajesher Yadav,  
Both Resident of village- Baxurdih, P.S. Goh, District- Aurangabad

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. Manju Devi, wife of Umesh Das, R/o Village- Baxur Dih, P.S.- Goh,  
District- Aurangabad

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Dr. Leelawati Kumari  
For the Opposite Party no.1 : Mr. Ram Shankar Das, Spl. P.P.

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA**  
**ORAL ORDER**

2      20-05-2016

Heard.

The petitioners apprehend their arrest in a criminal prosecution originally registered for the offences under Sections 341, 323, 379, 504/34 of the Indian Penal Code as also under Section 3(1)(x) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Learned counsel appearing on behalf of the petitioners submits that, though the petitioners are named in the FIR vide Annexure-3, but, on close of the investigation, police submitted final report no.09/14 dated 31.01.2014 and the accusation against the petitioners was found to be false and they were not sent-up for trial. However, protest petition filed on behalf of the informant has been treated as complaint petition vide Annexure-1 and, therefore, the present application for grant of anticipatory bail.

Learned Spl. P.P. appearing on behalf of the State,

though has opposed the prayer for anticipatory bail, but has not disputed the aforesaid submissions.

Be that as it may, in the facts and circumstances of the case, particularly taking into consideration the fact that in the original case filed by the informant police submitted final report against the petitioners, this Court is inclined to accede to the prayer made on behalf of the petitioners for grant of anticipatory bail. Accordingly, their prayer for anticipatory bail is allowed.

In the event of their arrest or surrender in the court below within a period of four weeks from today, let the above named petitioners be enlarged on bail on furnishing bail bond of Rs. 25,000/- each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Daudnagar, Aurangabad in connection with Protest cum Complaint Case No.419/14 arising out of Goh P.S. Case No.178 of 2013, subject to the condition as laid down under Section 438(2) of the Cr.P.C. and subject to further conditions that:

- (A) One of the bailors must be government servant or close family members of the petitioners, who will file an affidavit in the court below showing his/her relationship with the petitioners,
- (B) if the petitioners are found involved in same and similar nature of cases in future, then in that case the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioners, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned;

(C) the petitioners shall make regular pairvi in the court below in the present case either by appearing themselves in person or through representation by their lawyer on each and every date, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioners.



Arvind/-

**(Birendra Prasad Verma, J)**

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