

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30789 of 2016

Arising Out of PS.Case No. -860 Year- 2013 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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1. Rangila Mahto son of Late Bija Mahto
2. Suganti Devi wife of Rangila Mahto Both are Resident of Village-
Parsauni Police Station- Sidhwaliya District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sharda Devi wife of Nagina Mahto Resident of Village- Parsauni Police
Station- Sidhwaliya District- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh

For the Opposite Party/s : Mr. Sri Iftekhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-08-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a complaint case filed with accusation under sections 323 and 420 of the Indian Penal Code wherein cognizance has been taken.

The prosecution case is that petitioner no. 1 Rangila Mahto who happens to be the younger brother of the complainant's husband proposed to sell the ancestral property situated in village Parsauni. The husband of the complainant accepted the offer and in pursuance to the direction of petitioner no. 1, Rs.1,64,000/ were deposited in 2008 in the bank account of Mandodari Devi, mother in law of petitioner no. 1 and mother of

petitioner no. 2 but subsequently the petitioners (husband-wife) refused to execute the sale deed and on protest being made they assaulted the complainant and snatched the gold chain worth rupees fifteen thousand.

It is submitted by the learned counsel for the petitioners that the complainant is none else but the wife of the elder brother of petitioner no. 1 and there was some partition dispute with regard to ancestral land and subsequently a Panchnama was prepared but the present complaint has been filed in order to put pressure upon petitioner no. 1 to sell his share of land in favour of his elder brother. It is further submitted that for the money deposited in 2008, the complaint has been filed in 2013. Both the brothers used to reside at Hoshiyarpur in Punjab and in connection with their business money was deposited in the account of Mandodari Devi. The mother in law of petitioner no. 1 in whose account the money was deposited has been granted bail by the learned court below which gets reflected from the impugned order itself. The petitioners since do not reside at their native place, they were not aware about the complaint. Statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the delayed nature of accusation, 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 twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM IX, Gopalganj in connection with Complaint Case No. 860 of 2013 (Reg. No. 1988 of 2016) subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Anil/-

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