

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45766 of 2015

Arising Out of PS.Case No. -848 Year- 2015 Thana -COMPLAINT CASE District- KISANGANJ

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1. Chhedi Lal Yadav, son of Khonhai Yadav
 2. Raj Kumar Yadav son of Chhedi Lal Yadav
 3. Anil Yadav son of Chhedi Lal Yadav
 4. Bijay Yadav @ Baiju Yadav, son of Chhedi Lal Yadav. All resident of Village- Thakni Baluwa, P.S.- Terhagachh, District- Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Hawa Devi, wife of Sant Lal Manjhi, resident of Village- Thakni Baluwa Jagir, P.S.- Terhagachh, District- Kishanganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate

For the Opposite Party/s : Mr. Sadanand Paswan(Spl.PP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

4 17-02-2016 Heard learned counsel for the petitioners, learned counsel for the informant and learned A. P.P. for the State.

Petitioners apprehend their arrest in connection with Complaint Case No. 848 C of 2015 registered for offences punishable under Sections 323, 354(A) and 420 of the Indian Penal Code and Sections 3(i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case, in brief, is that the complaint filed Complaint Case No. 848 C of 2015 stating that a piece of land measuring 39 decimals was in her sikmi possession, as it was sikmi land of her father-in-law. She paid Rs. Three lacs to the



petitioners for registration of Kaimi Right. After six months, she along with her sons came from Delhi with Rs. 50,000/- and informed the petitioners that she is going to Registry office, Bahadurganj, over this the accused persons abused her by calling her caste name and refused to register the said land. Petitioner no.1 pulled and tore her blouse and petitioner no.2 pulled her down catching her hair and pissed in her month.

It has been submitted by the counsel for the petitioners that they have clean antecedent and that the petitioners and the complainant and her husband are on inimical terms. A report was called for vide order dated 14.10.2015 from the court of learned Chief Judicial Magistrate, Kishanganj in connection with Terhagachh P.S. Case No. 38 of 2015, where, whether husband of the complainant, Hawa Devi is a witness against petitioner no.4, Bijay Yadav. In compliance of the said order, report has been received from the court of SDJM, who is Incharge of the court of Judicial Magistrate, 1st Class, Kishanganj where the said Terhagachh P.S. Case No. 38 of 2015 is pending. Report indicates that husband of the complainant is one of the witnesses mentioned in serial no. 5 of the column of witness of charge-sheet, in which petitioner no.4, Bijay Yadav is the informant. Thus, the report predicates that the petitioners and the complainant and her

husband are inimical to each other. It has further been submitted by the learned counsel for the petitioners that the complaint case suffers from vagueness as no specific allegation is there regarding date of occurrence, and the purpose for which money was given. Furthermore, he submits that the complaint case has been lodged after much delay on 22.07.2015.

Learned counsel for the informant, on the other hand, submits that the petitioners have been charge-sheeted and there are ample evidence against these petitioners indicating their complicity in the said offence.

Be that as it may, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of six weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj in connection with Complaint Case No. 848 C of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

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