

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40805 of 2017

Arising Out of PS.Case No. -129 Year- 2017 Thana -CHAPRA TOWN District- SARAN

- =====
1. Subhash Rai @ Jhariman Rai, Son of Dwarika Rai.
 2. Nilam Devi @ Kumari Neelam, W/o Subhash Rai @ Jhariman Rai.
 3. Rahul Kumar, Son of Subhash Rai @ Jhariman Rai.
- All resident of Dahiyawan, Police Station-Chapra Town, District-Chapra.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 15-12-2017 It appears that the vide order dated 22.09.2017 passed by a Bench of this Court, this application in respect of the petitioner no.1 Subhash Rai, @ Jhariman Rai has already been dismissed as withdrawn, as such, today, only the prayer of the petitioner nos.2 and 3, above named, for grant of anticipatory bail is being considered.

Heard.

The petitioner nos.2 and 3, above named, apprehend their arrest in connection with Chapra Town P.S. Case No.129 of 2017 registered under Sections 448, 323, 427, 436, 379, 504 and 506/34 of the Indian Penal Code.



The accusation is that the petitioner no.1 Subhash Rai alias Jhariman Rai entered into campus of the house of the informant Niteshwar Prasad Singh on 27.03.2017 and started fixing the bamboo regarding which the informant made written complaint to the Officer Incharge of Town Police Station, Chapra. When the police reached at the campus of the house of the informant, at that time, in presence of the police, the petitioner no.1 Subhash Rai alias Jhariman Rai, his wife Nilam Devi alias Kumari Neelam (petitioner no.2), son Rahul Kumar (petitioner no.3) started to abuse and give threatening to the informant. Due to that reason, the informant was accompanied by the police at the police station. When the informant was returning to his village, in the way, he received information that the petitioner no.1, his son and wife (petitioner nos.3 and 2 respectively) along with 3-4 unknown persons after entering into the campus of his house damaged the electric meter resulting into fire and on seeing the gathering of the nearby people, they fled away from there taking the chair, table and cycle. The informant claims that he has apprehension that the petitioner no.1 Subhash Rai alias Jhariman Rai alongwith his wife and son (petitioner nos.2 and 3 respectively) may commit an untoward incident with him and his family members.



Learned counsel for the petitioner nos.2 and 3 submits that 1/2 portion of the house in dispute was purchased by the petitioner no.1 Subhash Rai alias Jhariman Rai in which he used to reside and also let out some portion to Manali Kumari. Thereafter, the petitioner no.1 and his tenant Manali Kumari entered into an agreement for purchasing the rest portion of the house from the house owner Ravishankar Panday, son of Late Ramnath Pandey of village-Dubhar, which would appear from Annexure-3 to this application. The informant, who is tenant in that portion, only to put undue pressure upon the petitioners lodged the present case. Further submission is that the informant is also the Sub Inspector of Bihar Police and before one day of the occurrence, he had given threatening to the petitioners. Moreover, no specific overt act is attributed to the petitioner nos.2 and 3 and both have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioner nos.2 and 3, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saran at Chapra, in connection with Chapra Town P.S. Case No.129 of



2017, subject to the conditions laid down under Section 438(2)
Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

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