

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43613 of 2017

Arising Out of PS.Case No. -71 Year- 2017 Thana -BASOPATTI District- MADHUBANI

- =====
1. Arun Das S/o Late Mohit Das
2. Usha Devi W/o Arun Das Both resident of Village- Mahinathpur, P.S.-
Basopatti, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Sri Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 20-09-2017 Heard both sides.

The petitioners apprehend their arrest in Basopatti P.S. Case No. 71 of 2017 corresponding to G.R. No. 719 of 2017 under sections 435, 354B, 379 and other sections 406 of the IPC.

The informant named the petitioners Arun Das and Usha Devi along with other accused persons and alleged that they demolished the wall of the informant and also ignited fire after sprinkling petrol.

The learned counsel for the petitioners submits that there is a land dispute between both sides from before. The informant has lodged earlier a case but the Police found the case untrue and submitted final form.

On the other hand, learned counsel for the informant submits that there is specific allegation against the petitioner Arun



Das that he ignited fire after sprinkling petrol in the out house. There is also specific allegation against this petitioner that he disrobed the informant with an intention to outrage her modesty.

Considering the facts aforesaid and the nature of allegation against the petitioner no. 1 Arun Das, I am not inclined to enlarge the petitioner no. 1 on anticipatory bail. Accordingly the same is rejected. So far as the case of the petitioner no. 2, Usha Devi, is concerned, she is of course named in the FIR but there is no specific allegation against her.

Considering the facts aforesaid, in the event of arrest/surrender before the court below within four weeks from the date of receipt/production of a copy of this order, the petitioner no. 2, namely, Usha Devi is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Madhubani in connection with Basopatti P.S. Case No. 71 of 2017 (G.R. No. 719 of 2017) subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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