

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29822 of 2017

Arising Out of PS.Case No. -2945 Year- 2015 Thana -COMPLAINT CASE District- ARRARIA

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1. Shankar Yadav, son of late Nand Lal Yadav,
 2. Auranzeb Khan, son of late Islam, both are resident of village- Shivaji Chowk, Ward No. 16, P.S.- Forbesganj, Dist.- Araria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Anjani Kumari, wife of Narendra Kumar Mandal, resident of High School Road, Ward No. 16, Forbesganj, P.S. Forbesganj, Dist. Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP
Mr. Kundan Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

4/ 25-07-2017

Heard learned counsel for the Petitioners and the

State as well as counsel for the Opposite Party No.2.

The Petitioners apprehend their arrest in Complaint Case No.2945-C of 2015 instituted for the offence under Section(s) 341, 323, 504, 353, 384, 354/34 Indian Penal Code.

On 10.07.2017, counsel for the Opposite Party No.2 had submitted that four cases are pending against the petitioners and sought two weeks' time to file Counter Affidavit, but no such Counter Affidavit has been filed.

It is alleged in the written report that on the date of occurrence while the informant was going with her husband, both these petitioners assaulted the informant, torn her clothes and made her naked and forced her to sign on the cheque. When she



denied, they destroyed the entire cheque book. They also demanded *Rangdari*.

Learned counsel for the Petitioners has submitted that the occurrence is said to have taken place on 17.10.2015, whereas, the complaint has been filed on 19.10.2015 without any valid explanation. It has further been submitted that there is allegation that the complainant is Headmistress and cheque book of the school has been destroyed but no complaint has been made by the complainant about destroying of the cheque book of the school. Case has been filed on account of land dispute.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Complaint Case No.2945-C of 2015, they shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the ACJM III, Araria, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and



absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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