

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1421 of 2017

Arising Out of PS.Case No. -398 Year- 1998 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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Ram Lakhan Sah @ Chandeshwar Sah @ Chaneshar Sah @ Ram Lakhan Prasad, Son of late Sita Ram Sah, R/o Village- Ekdervan, P.S.- Thawe, District - Gopalganj.

.... Petitioner

Versus

1. The State of Bihar.
2. Srimati Devi, Wife of Kishnath Sah, R/o Village- Ekdervan, P.S.- Thawe, District- Gopalganj.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Ranjeet Kumar Pandey, Advocate
Mr. Ojaswee Kumar, Advocate
For the Opposite Parties : Mr. Parmeshwar Mehta (APP)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 17-01-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Complaint Case No. 398 of 1998, Trial No. 04 of 2016 instituted for the offence under Sections 376/511, 323, 324 and 379 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that initially complainant filed complain petition in the court of learned Chief Judicial Magistrate, Gopalganj, which was sent to Police Station for investigation under Section 156(3) of Cr.P.C. On the basis of which Manjhagarh (Thawe) P.S. Case No. 229 of 1997 was registered for the offences under Sections 376, 307, 323, 324, 379 of the Indian Penal Code and police after investigation



submitted final form in the case as false, which has been annexed as Annexure-4. Thereafter complainant filed protest petition on the basis of which after holding inquiry the learned Magistrate found prima-facie case against this petitioner and other accused persons vide order dated 16.05.1998 for the offence under Sections 376/511, 323, 324, 379 of the Indian Penal Code. It has further been submitted that the aforesaid order dated 16.05.1998 was challenged in this Court vide Cr. Misc. No. 19968 of 1998 and further proceeding was stayed vide order dated 17.06.1999 which was ultimately vacated vide order dated 25.04.2016. The lower court was informed by the Hon'ble Court that the interim order of stay has been vacated. The aforesaid order has been enclosed by the petitioner as Annexure-5 (entire order sheet). Thereafter NBW of arrest has been issued against this petitioner vide order dated 25.04.2016 and thereafter he has filed the instant anticipatory bail petition.

The petitioner has submitted that the instant case has been filed out of previous enmity. This petitioner has earlier filed Manjhagarh (Thawe) P.S. Case No. 217 of 1997 for the offence under Sections 341, 323, 324, 326 and 307/34 of the Indian Penal Code against the husband of the complainant and other accused which ultimately ended in conviction of the accused persons vide Sessions Trial No. 260 of 1998/ 75 of 2013 vide judgment dated



15.05.2013 which is Annexure-3.

Counsel for the state has taken objection that cognizance has been taken in the year 1998 and the instant anticipatory bail petition has been filed after delay of so many years.

From perusal of the allegation in the protest cum complaint petition, it appears that there is general allegation against this petitioner, that he caught hold her hand and took her in the sugar cane field. Therefore, prayer of the petitioner for anticipatory bail is allowed.

In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Complaint Case No. 398 of 1998, Trial No. 04 of 2016, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Gopalganj, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Sanjay Priya, J.)

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