

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30971 of 2017

Arising Out of PS.Case No. -33 Year- 2016 Thana -BIHTA District- PATNA

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1. Sunaina Devi, wife of Late Shiv Jatan Choudhari,
2. Kundan Kumar, son of Late Shiv Jatan Choudhari,
3. Chandan Kumar, son of Late Shiv Jatan Choudhari,
All resident of Village- Painathi, P.O.+P.S.- Bihta, District- Patna.

.... Petitioners

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ravi Kant Kumar

For the Opposite Party/s : Mr. Sri Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 07-07-2017 Heard the learned counsel for the petitioners and the

learned APP for the State.

The petitioners apprehend their arrest in connection
with Bihta P.S. Case No. 33 of 2016 instituted for the offences
punishable under Sections 452, 341, 323, 506 and 307/34 of the
Indian Penal Code.

The petitioner No. 1 and the informant are Gotiya.
The husband of both the parties were full brothers. Petitioner
Nos. 2 and 3 are sons of the petitioner No. 1. It is alleged that
these petitioners used to demand the pension amount from the
informant. They used to torture and abuse her and on
08.01.2016, they entered into her house and attempted to



strangulate her neck. On raising alarm, they fled away from there.

The contention of the learned counsel for the petitioners is that both the parties are Gotiya and they reside at same places. A land dispute between the parties is going on for which the petitioner No. 1 has filed a Title Suit No. 184 of 2014, which is pending before the court of Sub Judge-1, Danapur. Prior to this F.I.R., the informant had lodged another case bearing Bihta P.S. Case No. 616 of 2014 (annexure-3). The allegation of the present case is similar to the allegation made in Bihta P.S. Case No. 616 of 2014. There is also unexplained delay of four days in lodging the F.I.R.

Learned APP for the State opposed the submissions.

Considering the omnibus allegation of torture admitted land dispute, facts and circumstances of the case, the anticipatory bail prayer is allowed. The petitioners, above named, in the event of arrest / surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Danapur, Patna in connection with Bihta P.S. Case No. 33 of 2016, subject to the condition as laid down



under Section 438(2) of the Code of Criminal Procedure.

(Sanjay Kumar, J)

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