

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51212 of 2017

Arising Out of PS. Case No.-139 Year-2015 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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1. Rajeev Nayan Singh, S/o-Late Kesho Singh, R/o-Village-Pokhraha, P.S.- Nasriganj, District- Rohtas.
 2. Nirbhay Kumar @ Nirbhay Sharma, S/o- Late Shatrughan Dharma, R/o Village- Baruna- Baruna, P.S.- Rafiganj, District- Aruagabad.

... .. Petitioners

Versus

1. The State of Bihar.
2. Kuwanti Devi @ Sumanti Devi, W/o- Sri Birendra Paswan, R/o Village-Baruna- Baruna, P.S.- Rafiganj, District- Aurangabad.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Ravindra kumar, Adv.
For the Opposite Party/s : Mr. Anuj Kumar Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-11-2017 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a complaint case filed with accusation under Sections 166, 167, 120B and 420 of the IPC and Section 3(1)(X) of the SC/ST (Prevention of Atrocities) Act, wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 166, 167, 120B and 420 of the IPC.

The prosecution case, as per the complaint petition is to the effect that the complainant and her mother-in-law applied for being engaged as cook in Upgraded Middle School, Baruna. Subsequently, they appeared at the interview on 26.10.2013, but



they were not appointed, rather Tunni Devi and Kiran Devi were appointed, when the complainant made protest, then the petitioners being the teacher in the said school, abused the complainant and said that since she belong to particular case, nobody will consume the food prepared by her.

Learned counsel for the petitioners submits that since the complainant was not engaged as cook, hence as a retaliatory measure, the present case has been lodged. The learned Magistrate, *prima facie*, has not found the case true under the provisions of SC/ST (Prevention of Atrocities) Act. Even assuming the accusation, no case under Sections 166, 167, 120B and 420 of the IPC is made out. A statement has been made in paragraph no. 3 of the petition that the petitioners have no criminal antecedent.

Considering the fact that as per own admission of the complainant, the engagement was made in the year 2013, whereas she alleged to have made protest in the year 2013 itself, but the complaint case was filed in the year 2015, and the learned Magistrate has not found part of the accusation true, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail



bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM-IV, Aurangabad in connection with Complaint Case No. 139 of 2015, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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