

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69673 of 2018

Arising Out of PS. Case No.-1145 Year-2017 Thana- COMPLAINT CASE District- Banka

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1. Surendra Thakur S/o- Late Shivdhari Thakur,
 2. Suresh Thakur, S/o- Late Shivdhari Thakur,
 3. Chandrika Thakur, S/o- Late Shivdhari Thakur,
 4. Ranjeet Thakur, S/o- Late Shivdhari Thakur,
 5. Lakshmi Thakur, S/o- Sri Kishun Thakur,
 6. Chutar Thakur, S/o- Kishun Thakur,
 7. Pappu Thakur, S/o- Narad Thakur,
 8. Nitish Thakur, S/o- Chandrika Thakur, All resident of Village- Sardara, P.S. Belhar, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Jeera Devi, W/o- Sumitlal Yadav, resident of Village- Sardara, P.S. Belhar, District- Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilesh Kumar
For the Opposite Party/s : Mr. Sir Pawan Kumar Chaurasiya

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-12-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 341, 354B, 323, 379 and 504 of the IPC.

The prosecution case, as per the complaint petition is that on 21.08.2017 at about 2.00 P.M., while the complainant was working on her agricultural field, in the meantime all the accused persons came variously armed and started abusing the complainant. When it was protested by the complainant, on the



order of Surendra Thakur, petitioner no. 1, all the accused persons assaulted the complainant with feast and slaps and lathi and danda. It is further alleged against petitioner no. 2, Suresh Thakur that he snatched a silver chain and petitioner no.3, Chandrika Thakur snatched a gold ear-ring worth Rs.40,000/-. It is also alleged that all the accused persons disrobed the complainant by pulling her saree and toring her blouse. On alarm being raised, when the witnesses and other persons came, the life of the complainant could be saved.

It is submitted by learned counsel for the petitioners that for the occurrence of 21.08.2017, the complaint was filed on 23.08.2017. The petitioners and the complainant are at litigating terms from before. There was a dispute between them with respect to a certain piece of land for which Gram Kachachari Case No. 5 of 2008 was lodged before the Gram Kachchhari. It is further submitted that the petitioners side also lodged a case against the complainant side, being Belhar P.S. Case No. 268 of 2017 on 23.11.2017, wherein the police after investigation submitted the charge-sheet. A statement has been made in paragraph no. 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP, however, submits that there is specific



accusation against the petitioners, specifically against petitioner nos. 1,2 and 3.

Considering the delayed lodging of the complaint and absence of any medical report on record corroborating the accusation and the accusation being levelled in the background of litigated relationship between the parties from before, coupled with statement made in paragraph 3 of the petition that the petitioners have no criminal antecedent, 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-III, Banka in connection with Complaint Case No. C-1145 of 2017 subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/Deepak/
Rahul/-

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