

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27165 of 2018

Arising Out of Complaint Case No.-350 Year-2015 Thana- MADHEPURA COMPALINT
CASE District- Madhepura

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1. Masomat Navita Devi, Wife of Late Nand Lal Thakur, Resident of Village-Fulout West, Post Office-Fulout, Police Station-Chousa O.P. Fulout, District-Madhepura.
 2. Rajesh Kumar Thakur @ Rajesh Thakur, Son of Late Jagdish Thakur,
 3. Arula Devi @ Aruliya Devi, Wife of Rajesh Kumar Thakur @ Rajesh Thakur
Both Residents of Madrouni, Police Station -Navgachhiya, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Pundeo Mahto, Son of Late Jamun Mahto, Resident of Village-Fulaut, Police Station-Chausa, District-Madhepura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-05-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a complaint case filed with accusation for the offences punishable under Sections 147, 148, 149, 380,384, 354A and 504 of the Indian Penal Code, wherein, process has been directed to be issued after cognizance being taken.

Prosecution case as per the complaint petition filed by Pundeo Mahto is to the effect that the complainant is the owner of an auto rickshaw, but co-accused Jawahar Paswan, being



local Chowkidar is having illicit relationship with petitioner no.1, Masomat Navita Devi and both used to ride the auto rickshaw of the informant without making payment. Subsequently, Jawahar Paswan demanded rupees fifty thousand from the informant as extortion. On 03.07.2015, Jawahar Paswan demanded Rupees five thousand and directed the complainant to bring the demanded money at the residence of petitioner no.1, Masomat Navita Devi. On 15.08.2018, the accused persons entered into the house of the informant, abused and assaulted him badly with iron rod, lathi, danda and butt of the pistol. Co-accused, Jawahar Paswan also tore cloth of the wife of the informant. It is also alleged that accused persons took out Rs.15000/- cash and jewellery worth Rs.1,50,000/- contained in a box.

It is submitted by learned counsel for the petitioners that the thrust of accusation is against co-accused Jawahar Paswan, who has been granted anticipatory bail by a co-ordinate bench of this Court vide Criminal Miscellaneous No. 61034/2017. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur, learned APP for the State that on finding the prima facie case, the cognizance has



been taken and process has been directed to be issued against the petitioners.

Considering the thrust of accusation against co-accused, Jawahar Paswan, who has been granted anticipatory bail, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Udakishunganj, Madhepura, in connection with Complaint Case No. 350 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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