

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19132 of 2018

Arising Out of PS.Case No. -1037 Year- 2012 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

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1. Naresh Das, Son of Mahavir Das,
2. Mahesh Das, Son of Surmil Das,
3. Somwati @ Somwati Devi, W/o Umesh Das, All R/o Belsandi, Tare P.S.
Bibhutipur, Distt- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Chandi Devi, W/o Deboo Das, R/o Belsandi Tara P.S.- Bibhutipur, Distt-
Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s : Mr. Ram Sumiran Roy

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 09-04-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek anticipatory bail in a case instituted
for the offences under Sections 323, 379, 504/34 of the Indian
Penal Code and Sections 34 of the Dima Act.

Allegation has been made against the petitioners that they
have forcibly entered into the house of the complainant,
assaulted her with fists and legs, caught her hair and dragged
her. When the husband and son came there they were assaulted
there. Thereafter they committed theft and took away the
ornaments and valuable articles. Allegation has been made that
they have made her half necked.

Learned counsel for the petitioner submits that there is



land dispute between the parties and on that account this false case has been lodged.

Looking to the facts and circumstances of the case, in the event of arrest or surrender within four weeks from today, let petitioner no.3, Somwati alias Somwati Devi, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Rosera, Samastipur in connection with Complaint Case No.1037 of 2012, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

With regard to petitioner nos. 1 and 2, looking to the nature of allegation, this Court is not inclined to enlarge them on anticipatory bail. Accordingly their prayer for bail is rejected. However, if the petitioner nos. 1 and 2 surrender before the court below within a period of three weeks from today, the court below will pass an order on its own merit without being prejudiced by the order passed by this Court.

Vinay/-

(Shivaji Pandey, J)

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