

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19176 of 2018

Arising Out of PS.Case No. -12 Year- 2016 Thana -KALYANPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Pappu Rai @ Bhuta Rai, Son of Lalan Rai.
2. Munita Devi, Wife of Raju Rai
3. Dularo Devi, Wife of Lalan Rai, all are resident of Village- Alaula, P.S.-
Kalyanpur, Dist.- East Champaran.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Dinesh Singh

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 05-04-2018 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with
Kalyanpur P.S. Case No. 12 of 2016 registered for the offences
punishable under Section 307 and other allied sections of the
Indian Penal Code and Section 34 of Daiyan Act.

The accusation against the petitioners is that they
levelled allegation of Daiyan against the informant and assaulted
her and also threw night-soil on her body.

Contention on behalf of the petitioners is that there is
counter case i.e. Kalyanpur P.S. Case No. 11 of 2016 which was



lodged earlier and to save the skin from the aforesaid case, informant brought this false case at the instance of her family members and as a matter of fact, it was prosecution party who assaulted the petitioners and others levelling allegation of Daiyan against the petitioners.

Since there is case and counter case between the parties and both parties are levelling allegation of Daiyan against each others, therefore, in the aforesaid circumstance, I think it proper to extend the privilege of anticipatory bail to petitioners.

Accordingly, this anticipatory bail petition is allowed and it is ordered that petitioners, in the event of their arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall 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 Additional Chief Judicial Magistrate-IX, Motihari, East Champaran in Kalyanpur P.S. Case No. 12 of 2016 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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