

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9502 of 2018

Arising Out of PS. Case No.-316 Year-2017 Thana- SULTANGANJ District- Bhagalpur

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1. Sarita Devi, Wife of Sri Tarkeshwar Das,
 2. Tarkeshwar Das, Son of Sri Suresh Das,
 3. Raju Das, Son of Sri Suresh Das.
- All resident of Village- Fatehpur, P.S.- Sultanganj, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-02-2018 Heard learned Counsels for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147/149/323/341/354/379/448/504/506 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report submitted by one Shobha Devi to the Deputy Superintendent of Police, East Region, Bhagalpur to the effect that five FIR named accused persons including the petitioners entered into the house of the informant when Nankeshwar Das pushed the daughter of the informant, Nitu Kumari on the ground and started assaulting with fists and slaps. When she



started bleeding from mouth and fell unconscious, the informant went to save her, then petitioner no.2, Tarkeshwar Das tore her blouse, while petitioner no.3, Raju Das pulled her sari, as a result, she became naked, whereas, the other accused persons assaulted her with fists and slaps. On alarm being raised, the son of the Sarpanch Amarjeet came, then the informant and her daughter could be saved. The husband of the informant had gone outside the house and when he returned after two days and tried to pacify the matter, the petitioner no.3, Raju Das pointed pistol on him. It is also alleged that, earlier the accused persons had snatched silver chain and other ornament from the informant.

It is submitted by learned counsel for the petitioners that the petitioners are agnate of the informant and in the background of land dispute the accusation has been levelled. In fact no injury has been caused to anyone. For the occurrence of 26.08.2017, the FIR was registered on 13.09.2017. The impugned order reflects that the issue was raised before the Gram Panchayat, but there is no document suggesting that the Gram Panchayat was informed about the occurrence, when the petitioner filed a case before the Sarpanch against the informant on 24.08.2017, as contained in Annexure -2 prior to lodging of



the present case. 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 the accusation is specific against the petitioners.

Considering the delayed lodging of the case, there is no medical opinion on record corroborating the accusation, 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 CJM, Bhagalpur, in connection with Sultanganj P.S. Case No.316 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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