

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38138 of 2018

Arising Out of PS. Case No.-143 Year-2017 Thana- SATHI District- West Champaran

1. Tara Devi, Wife of Prabhu Das.
 2. Shiv Prakash Das, Son of Prabhu Das.
 3. Jiwan Prakash Das @ Jiut Das, Son of Prabhu Das,
 4. Prabhu Das, Son of Late Satya Narayan Das,
- All are residents of Village- Boudh Tola Lakshanauta, Police Station- Sathi, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Adv.

For the Opposite Party/s : Mr. Uma Shankar Pd. Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-07-2018 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 323, 341, 354B, 448 and 504/34 of the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of Rekha Devi, recorded by Jitendra Pd. Singh, S.I. of Police Town P.S. Bettiah at 02.09.2017, at 04.45. P.M. at MJK hospital Bettiah, to the effect that on 30.08.2017 at 7.00 A.M., the informant was cooking food inside the house and her husband



was filling soil on the road. In the meantime, all the petitioners named in the FIR started abusing the husband of the informant and chased him to assault and when the husband of the informant escaped and came to his house to save himself, thereafter, all the accused persons entered into the house of the informant, whereupon, petitioner no.4, assaulted with bricks on the hand of the husband of the informant. When the informant went to rescue, then petitioner no.1, Tara Devi assaulted the informant with *lavedi*. It is alleged that petitioner no.2 Shiv Prakash Das and petitioner no.3, Jiwan Prakash Das tried to throttle the neck of the informant with a towel. In the meantime, after catching hold of the hair of the informant Shiv Prakash Das started tearing her sari and blouse with bad intention and petitioner no.3, tried to establish physical relationship with the informant. When the informant along with her husband ultimately came inside her house, then Tara Devi assaulted with Lavedi.

It is submitted by learned counsel for the petitioners that in the background of land dispute, the accusation has been levelled. At an earlier point of time, petitioner no.4 had lodged Sathi P.S. Case No.126 of 2017 against the informant with accusation under Sections 308, 323,324, 325, 341, 379, 504 and



506/34 of the I.P.C. Even assuming the accusation to be true, all the Sections are bailable except Section 354B of the I.P.C. which is alleged against petitioner nos. 2 and 3. The injury has been found to be simple superficial in nature. For the occurrence of 30.08.2017, the Fardbeyan was recorded on 02.09.2017, which ultimately came to be registered as police case on 11.10.2017 and it reached to the Court of learned ACJM-VII on 13.10.2017, which clouds the bonafide of the accusation and suggests that the FIR has been ante-dated. 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 learned APP for the State that the petitioners are named in the FIR.

Considering the nature of accusation, particularly the delayed lodging of the FIR, 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 ACJM-VII, Bettiah, in connection



with Sathi P.S. Case No.143 of 2017, subject to the conditions
as laid down under Section 438(2) of the Cr.P.C.
,

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

,
,

