

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19774 of 2018

Arising Out of PS. Case No.-601 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Sivji Rai, S/o Late Deo Nandan Rai,
 2. Bachani Devi, W/o Shivji Rai,
 3. Surendra Rai, S/o Shivji Rai,
 4. Meena Devi, W/o Surendra Rai,
 5. Manoj Rai, S/o Shivji Rai,
 6. Sanjula Devi, W/o Manoj Rai,
 7. Milan @ Santosh Kumar, S/o Surendra Rai,
 8. Guddu Kumar @ Guddu Kumar Yadav, S/o Surendra Rai,
 9. Baby @ Pooja @ Puja Kumari, D/o Surendra Rai, All R/o K.P. Sarkar Road, Mithanpur B Area, P.S.- Jakkanpur, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sharda Devi W/o Ajay Rai, R/o K.P. Sarkar Road, Mithanpur B Area, P.S.- Jakkanpur, Distt.- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Ghosarvey
For the Opposite Party/s : Mr. Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-04-2018 Heard learned counsels for the petitioners and State.

The petitioners being the parents, brothers, brothers' wife, nephew and niece of the husband of the complainant are apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 341, 379, 384 and 504/34 of the IPC.

The prosecution case, as per the complaint petition filed on 07.02.2017 is to the effect that the complainant was married



with Ajay Rai, the son of petitioner nos. 1 and 2 about 25 years prior to the lodging of the present complaint. There is three storeyed house of the in-laws of the complainant in which she got only two rooms by virtue of partition. The complainant's husband runs a tea stall and has very little income. It is alleged that on 07.03.2011, the accused persons assaulted the daughter of the informant, Jyoti Kumari. They also administered poison to the animals, resulting into the death of four animals. The complainant is not satisfied with the partition of the property in the in-laws house. It is ultimately alleged that on 27.11.2016, all the accused persons entered into the room of the complainant and started throwing the articles. They also wanted to take the signature on partition paper, otherwise threatened to drive her out from the matrimonial house. It is alleged that the accused persons not only assaulted, but also snatched the purse containing Rs. 2,000/- and other articles.

It is submitted by learned counsel for the petitioners that in the background of partition dispute, the present complaint has been filed. The last incident alleged by the complainant is dated 27.02.2017, but the complaint was filed on 07.03.2017. There is no medical report on the record nor the date of death of animals has been mentioned in the complaint petition, but it appears that



animals died in the year 2011. Most of the accusations are omnibus and general. 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 counsel for the complainant that since the complainant's husband has no source of income, hence rest of the family members have planned to drive out the complainant from the matrimonial house.

Considering the fact that complaint petition has been filed with inordinate delay and the whole accusation hinges on the partition dispute of the property, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub Judge-VII-cum-A.C.J.M., Patna in connection with Complaint Case No 601C of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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