

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20061 of 2018

Arising Out of PS. Case No.-394 Year-2017 Thana- SAUR BAZAR District- Saharsa

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1. Bhupendra Das, S/o Late Satto Das,
 2. Bhola Das, S/o Late Satto Das,
 3. Pappu Das, S/o Bhola Das,
 4. Amar Das @ Amar Kumar, S/o Bhola Das,
 5. Surendra Das, S/o Late Satto Das,
- All R/o Village- Resna, Arrar O.P., P.S.- Gwalpara, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-04-2018 Heard learned Counsel 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, 341, 323, 363, 406, 420, 504 and 506 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report submitted by Bina Devi to the Station House Officer, Pastpar Police Station to the effect that on 25.05.2017, the informant gave Rupees Two Lac Fifty Thousand to her brother-in-law, namely Bhupendra Das(petitioner no.1) in presence of Subhash Singh, Mahendra Charan Yadav and Umesh Singh. Thereafter, the husband of the informant made demand for



returning the said amount, the brother-in-law, Bhupendra Das, started making excuses for returning the same. Subsequently, some Panchayat was held for such return of the amount, when the brother-in-law of the informant assured that he will return the amount on 15.08.2017, but on the said date, it was not returned by the petitioner, Bhupendra Das. Again on making demand for the said amount, it was assured by petitioner no.1, that the said amount will be returned on 19.08.2017. On 19.08.2017, when the husband of the informant asked the brother-in-law of the informant to return the said amount, he started abusing the husband of the informant. Thereafter, all the accused persons, including the petitioners, came at the house of the informant, started abusing and assaulting her husband and dragged him after putting a towel around his neck. When the informant tried to rescue him, she was also assaulted by the accused persons by fists and danda.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general. In the background of some dispute with regard to lending some amount as loan, the accusation has been levelled. There is no documentary proof with regard to the payment made to petitioner no.1. It is further submitted by learned counsel for the petitioners that for the



occurrence of 25.05.2017, the FIR was registered on 26.08.2017. 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 there is specific accusation against the petitioners.

Considering the nature of accusation in the background of dispute with regard to return of some loan amount, 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, Saharsa, in connection with Saur Bazar (Pastpar) P.S. Case No.394 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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