

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12223 of 2018

Arising Out of PS. Case No.-376 Year-2016 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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1. Ambuj Rai, Son of Ram Naresh Rai @ Bideshi Rai @ Ram Naresh Sharma.
2. Vijay Rai, Son of Ram Naresh Rai @ Bideshi Rai @ Ram Naresh Sharma.
3. Ashwani Kumar @ Ashwani Kumar Rai, Son of Ambuj Rai.
4. Lav Kush Kumar @ Lav Kush Rai, Son of Late Anand Rai. All are resident
of Village-Rajpura, Police Station- Kaler in the District of Arwal.

... .. Petitioner/s

Versus

State Of Bihar & Anr

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Navin Sharma

For the Opposite Party/s : Mr. SIR PRAMOD KUMAR PANDEY

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-02-2018 Heard learned counsels for the petitioners and State.

The petitioners 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 341, 323, 379 and 354 of the IPC.

The prosecution case, as per the Complaint Case No. 376 of 2016 filed by Shakuntala Devi on 23.07.2016, is to the effect that on 20.07.2016, at 7 PM, the complainant was going to Gaya by auto rickshaw. On the way the accused persons came on two motorcycles and they dragged the complainant from the auto rickshaw and assaulted her. Petitioner no.1, Ambuj Rai snatched gold chain, whereas petitioner no.2, Vijay Rai snatched her



purse, containing Rs. 1000/-, petitioner no.4, Lav Kush Rai assaulted the son of complainant, namely, Tuntun Rai with fist and slaps and petitioner no.3, Ashwani Kumar Rai, assaulted the complainant on her head with the butt of the pistol. It is also alleged that petitioner no.1 attempted to outrage the modesty of complainant by pulling her saree.

It is submitted by learned counsel for the petitioners that the occurrence took place in the background of drainage dispute for which a proceeding under Section 107 of the Cr. P.C. has been initiated between the parties. For the occurrence of 20.07.2016, the complaint was filed on 23.07.2016. In the complaint petition, the time of occurrence has been alleged as 20.07.2016 at 7 PM whereas in the S.A., the complainant stated the time of occurrence as 20.07.2016, at 7 AM. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent. Moreover, there is no injury report on record.

Learned APP submits that accusation against the petitioners is to have assaulted the informant.

Considering the delayed filing of the complaint and the accusation being levelled in the background of litigated relationship between the parties from before, 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 Chief Judicial Magistrate, Jehanabad in connection with Complaint Case No. 376 of 2016, 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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