

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.2872 of 2019**

Arising Out of PS. Case No.-396 Year-2018 Thana- Bihpur (Bhwanipur) District- Bhagalpur

1. Rina Kumari, W/o Sunil Kumar Das, R/O Mohalla-Bari Khanjarpur, P.S.- Khanjarpur (Barari) District- Bhagalpur
2. Anil Kumar Rabidas, S/o Kirani Rabidas
3. Kapildeo Das, S/o Late Haho Das.
4. Ajay Kumar Rabidas @ Ajay kumar Das, S/o Fuda Rabidas  
2 to 4 R/O Village- Narayanpur, P.S.- Bihpur (Narayanpur), District- Bhagalpur.
5. Jichchu Rabidas @ Ramesh kr. Das @ Jichchu Ravidas, S/o Lodhay Das, R/O- Raypur, P.S.- Bihpur (Narayanpur), District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ashutosh Kumar, Adv.  
For the Opposite Party/s : Mr. Yogendra Kumar Singh, Adv.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      28-01-2019                      Heard learned counsel for the petitioners and learned  
APP representing the State.

2. Petitioners in the present case are seeking anticipatory bail in connection with Bihpur (Bhawanipur) P.S. Case No.396 of 2018 dated 10.10.2018 registered for the offences punishable under Sections 341, 323, 353, 504 and 506/34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the informant of this case is the In-Charge Headmaster of the



Primary School, Muslim Tola, Manoharpur. Petitioner no.1 is said to be posted as Panchayat Teacher in the School. It is alleged that on 06.10.2018 there had been some altercations between the informant and petitioner no.1 who stated against the submission of B.R.C and absentee report for the month of September. Petitioner no. 1 was claiming that the submission of the report without showing her was wrong, whereas, the informant claimed that he being the Headmaster was competent to submit the report.

3.1 It is alleged that the petitioner no. 1 started tossing the attendance register on the table and on objection she abused the informant.

3.2 It is alleged that petitioner no. 1 called the Mukhiya and other persons who pacified the matter and returned. After some time, petitioner no. 1 and some of her caste men entered in the school and started assaulting the informant but due to intervention of the teachers he was saved. The informant was also threatened as a result of which he was under fear.

4.Learned counsel for the petitioners submits that prior to lodging of the case in which they are seeking anticipatory bail, petitioner no. 1 had filed a written complaint



with the police station giving rise to Bihpur (Bhawanipur) P.S. Case No.390 of 2018 dated 07.10.2018 itself for the offences alleged therein. It is submitted that the present F.I.R. has been lodged with a malicious intention and on false allegations three days after the F.I.R. was lodged by petitioner no. 1.

5.Learned APP for the State is present and has opposed the prayer for bail.

6.In the given facts and circumstances of the case, considering that petitioner no. 1 had also lodged one case three days back only and then in the alleged assault no injury has been caused to the informant, this Court is inclined to grant the benefit of anticipatory bail to the petitioners, in case of arrest or surrender of the petitioners within a period of four weeks from today, the abovenamed petitioners are directed to be enlarged on bail on furnishing bail bond of Rs.15,000/-(rupees fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M 1<sup>st</sup>, Navgachiya in connection with Bihpur (Bhawanipur) P.S. Case No.396 of 2018 dated 10.10.2018, subject to the condition that petitioners shall join the investigation by reporting to the Investigating Officer within a period of two weeks from today and shall cooperate in course of investigation. This will be in addition to



condition prescribed under Section 438(2) of the Cr.P.C.

**(Rajeev Ranjan Prasad, J)**

R.R.Ojha/-

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