

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6567 of 2019

Arising Out of PS. Case No.-39 Year-2018 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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1. Nagendra Kumar @ Nagendra, Gender-Male, aged about 40 years, Son of Dinanath Yadav.
 2. Manju Devi, Gender-Female, aged about 38 years, wife of Nagendra Kumar @ Nagendra. Both are resident of Village - Shankar Bigha, P.S.- Shakurabad in the Distt.- of Jehanabad.

... .. Petitioners

Versus

1. The State of Bihar.
2. Asha Devi, Gender-Female, aged about 30 years, wife of Santosh Kumar, resident of Village-Shankar Bigha, Police Station- Shakurabad in the district of Jehanabad.

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr.Sunil Kumar, Advocate.
For the State	:	Mrs. Madhuri Lata, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-02-2019 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 323 and 379 of the IPC.

The prosecution story, in brief, is that on 21.01.2018 at about 10.00 P.M. the complainant was sleeping in her house alongwith her two sons. In the meantime, petitioner no. 1 Nagendra Kumar who is said to be Bhaisur of complainant, having pistol in his hand entered into her room and climb over her body. She woke up and began protest, then he pointed pistol



on her chest and started pressing her breast and started opening her Sari. The complainant and her two children started weeping loudly, then accused assaulted them and threatened to kill them. In the meantime, wife of accused Manju Devi also came there and shut the mouth of complainant and assaulted her. During course of assault, petitioner no. 1 Nagendra Kumar snatched golden ear ring of worth Rs. 15,000/- from the complainant and Manju Devi snatched locket of Hanumanji of 4 Aana of worth Rs. 8,000/- from the neck of elder son of complainant and both of them fled away.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. Both parties are agnates. Due to previous enmity, the present complaint case has been instituted. Part of prosecution has been found to be false when the order was being passed under Section 204 Cr.P.C.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, let



the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Jehanabad, in connection with Complaint Case No. 39 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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