

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.76061 of 2018

Arising Out of PS. Case No.-403 Year-2017 Thana- COMPLAINT CASE District- Jamui

1. Bishundeo Rabidas @ Bishundev Das, S/o Rameshwar Ravidas.
 2. Munshi Rabidas, S/o Chuto Ravidas.
 3. Dwarika Rabidas, S/o Jhari Ravidas,
- All are resident of Village- Chandrawar P.S.- Khaira, District- Jamui.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Sunita Devi, Wife of late Rupan Rabidas, Resident of Village- Chandrabar, P.S. Khaira District Jamui, D/o Ram Brich Rabidas, r/o Village Garhi Kari Tola, P.S. Khaira, District- Jamui.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Umanath Mishra, Adv.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-01-2019 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 323/448/354B of the Indian Penal Code.

The prosecution case as per the complaint petition is to the effect that on 25.03.2017, the accused persons entered into the complainant's house and conveyed to her that her husband has died 10-12 years ago and since, she is still young, hence, she should marry again. On declining the offer by the complainant, the accused persons tore her blouse and pulled her sari and attempted to ravish her.



It is submitted by learned counsel for the petitioners that after the death of the husband of the complainant, the complainant got married with co-accused, Rambilash Rabidash, but the complainant also deserted him. Subsequently, co-accused, Rambilash Rabidash filed Matrimonial Suit No. 57 of 2016 for restitution of conjugal life. It is further submitted that the father-in-law of the complainant has earlier made a 'sanha' entry to the effect that the complainant is having illicit relationship with other persons and she has performed second marriage with co-accused Rambilash Rabidash. 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 APP for the State that the learned Magistrate after finding the accusation *prima facie* true, directed for issuance of notice after cognizance being taken against the petitioners.

Considering the fact that for the occurrence of 25.03.2017, the complaint was filed on 28.03.2017, 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, Jamui in connection with Complaint Case No. 403C 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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