

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21740 of 2019

Arising Out of PS. Case No.-367 Year-2012 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

-
1. Janardan Sahani @ Janardhan Sahani S/o Rajendra Sahani, R/O Vill Laukariya P.S. Harsidhi, District- East Champaran.
 2. Raviranjana Sahani, S/O Janardan Sahani, R/O Vill Laukariya P.S. Harsidhi, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dhru Sahani, S/o Late Sulj Sahani, R/O Vill Laukariya P.S. Harsidhi, District- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2
For the Opposite Party/s : Mr.Rajiv Nayan (APP 231)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-04-2019 Heard learned counsels for the petitioners and the 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 323, 379, 354 and 427 of the IPC.

The prosecution case, as per the complaint petition, is to the effect that on 13.02.2012 at about 8 A.M., all the accused persons including the petitioners came at the door of the complainant and abused him and when the complainant made protest, all the accused persons chased him to assault, whereupon the complainant ran away to his house but thereafter,



all the accused persons entered into his house and assaulted him. It is specifically alleged that co-accused Binda Sahani snatched a wrist watch from the complainant, worth Rs. 1,000/- and petitioner no.1, Janardan Sahani took away bi-cycle of the complainant, worth Rs. 3,000/- and when the wife of the complainant came to rescue him, she was also assaulted by all the accused persons.

It is submitted by learned counsel for the petitioners that at earlier point of time, petitioners' side lodged Harsidhi P.S. Case No. 32 of 2012 against the informant side, hence, as a retaliatory measure, the present case has been lodged against the petitioners. It is further submitted that only accusation of taking away bi-cycle of the informant has been alleged against the petitioner no.1, which is cosmetic in nature, whereas no specific accusation has been levelled against the petitioner no.2.

Learned APP submits that, prima facie, finding the case true, learned Magistrate took cognizance against the petitioners.

Considering the fact that the complaint was filed in the year 2012 and the cognizance has been taken in the year 2013, when the petitioners preferred present application with a prayer for anticipatory bail in the year 2019, after six years of taking cognizance, though this Court is reluctant to interfere, but



since the similarly situated co-accused Binda Sahani has been granted privilege of anticipatory bail by a Co-ordinate Bench of this Court, vide order dated 18.12.2018, passed in Cr. Misc. No. 73969 of 2018, coupled with the 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/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 CJM, Motihari, East Champaran in connection with Complaint Case No. 367 of 2012, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

Learned Court below will be at liberty to cancel the bail bonds of the petitioners if they default for three consecutive occasions.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--

