

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36620 of 2019

Arising Out of PS. Case No.-459 Year-2018 Thana- MADHAURAH District- Saran

1. Shivji Prasad, Son of Lakhan Raut Resident of Village - Kurmitola, P.S.- Marhowrah, District- Saran at Chapra
2. Dhurendra Kumar, Son of Shivji Prasad Resident of Village - Kurmitola, P.S.- Marhowrah, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 05-09-2019 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with Marhowrah P.S. Case No.459 of 2018 for the offence punishable under Sections 147, 148, 149, 323, 354, 427, 452, 380, 504, 436 of the Indian Penal Code.

The allegation against the petitioners as per the First Information Report-cum-complaint is that on 02.03.2018 at about 10:00 A.M., when the complainant-cum-informant was cooking food on the occasion of holi, the petitioner No.2 who happens to be the Dewar of the informant started teasing the informant and upon protest, the petitioner No.2 and other co-



accused armed with lathi, danda and other weapons entered into the house of the informant and started abusing her and her Gotni. It has further been alleged that petitioner No.2 also pulled sari and tore blouse of the informant-cum-complainant and destroyed the food prepared by the complainant also. It has further been alleged that upon order of Shivji Prasad, i.e., petitioner No.1, accused persons looted ornaments, clothes and cash of rupees 25,000/- from the house of the complainant-cum-informant.

Learned counsel appearing for the petitioners submits that petitioners have falsely been implicated in this case inasmuch as the incident has allegedly been taken place on 02.03.2018 but the complaint was filed after five days on 07.03.2018 and which was referred for registration of FIR under Section 156(3) Cr.P.C. and the FIR was registered on 22.09.2018. Learned counsel further submits that there is case and counter case inasmuch as for the same incidence, Marhowrah P.S. Case No.89 of 2018 dated 02.03.2018 was lodged by petitioner No.2 against the husband of informant and the present case is counter blast to the case lodged by petitioner No.2. Learned counsel further submits that both the parties are related and are co-villagers and no apparent injuries have been



found on the informant.

After having heard learned counsel for the petitioners as well as learned counsel appearing on behalf of the State and taking into consideration the fact that the parties are related and are co-villagers and there is case and counter case between them, as such, I am inclined to grant anticipatory bail to all the petitioners.

Accordingly, all the petitioners, above named, are directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by them, they shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Saran at Chapra, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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