

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57846 of 2019

Arising Out of PS. Case No.-1080 Year-2015 Thana- COMPLAINT CASE District- Banka

1. SANJAY DAS @ SANJAY KUMAR DAS, aged about 35 years, Male, Son of Akhleshwar Das, Resident of Village - Chihar, P.S.- Barahat, District- Banka
2. Sanjeev Kumar Das @ Sanjeev Das, aged about 32 years, Male, Son of Ganga Das Resident of Village - Chihar, P.S.- Barahat, District- Banka

... Petitioners

Versus

1. THE STATE OF BIHAR
2. Pramila Devi, aged about 29 years, Female, Wife of Raj Kumar Das, Resident of Village - Chihar, P.S.- Barahat, District- Banka

... Opposite Parties

Appearance :

For the Petitioners : Mr. Ranjan Kumar Jha, Adv.

For the Opposite Parties : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 13-09-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Complaint Case No. 1080 of 2015 arising out of Banka (Barahat) P.S. Case No. 611 of 2014 (G.R. No. 2605 of 2014) for the offences alleged under Sections 354B, 354D, 379, 504 and 596/34 of the Indian Penal Code.

The learned counsel appearing for the petitioners submits that in fact complainant/opposite party no. 2 initially lodged Banka (Barahat) P.S. Case No. 611 of 2014 under Sections 354B, 354D, 379, 504 and 596/34 of the Indian Penal



Code on 22.12.2014 against the petitioners in which, on investigation, police submitted the final form on 31.01.2015, which would appear from Annexure 3. The protest filed by the complainant/opposite party no. 2 was treated as complaint case in which, on enquiry, the petitioners have been summoned through order, dated 27.03.2019, passed in Complaint Case No. 1080 of 2015 by the Court of the Additional Chief Judicial Magistrate, I, Banka. Thereafter, the petitioners filed A.B.P. No. 1090 of 2019 for seeking pre-arrest bail, but, the same was rejected by the learned Sessions Judge, Banka, by the order, dated 30.07.2019. In fact, due to land dispute, the petitioners were falsely implicated. Petitioners have no criminal antecedent except Barahat P.S. Case No. 351 of 2012, which is detailed in paragraph 3 of this application, in which both the petitioners are on bail.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Complaint Case No. 1080 of 2015 arising out of Banka (Barahat) P.S. Case No. 611 of 2014 (G.R. No. 2605 of



2014) shall be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, I, Banka, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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