

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60768 of 2019

Arising Out of PS. Case No.-1550 Year-2014 Thana- COMPLAINT CASE District- Araria

1. MAHESH PRASAD BISHWAS @ MAHESH LAL BISWAS Son of Late Prem Lal Bishwas
2. Dulari Devi Wife of Mahesh Prasad Bishwas
Both are residents of Village-Majhua, Police Station-Forbesganj, District-Araria.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sumitra Devi, Wife of Nand Lal Thandar, Daughter of Shishupal Bishwas
Resident of Village-Baliyadih, Police Station-Forbesganj, District-Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana
For the Opposite Party/s : Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-09-2019 The petitioners apprehend their arrest in connection with Complaint Case No. 1550 of 2014 in which cognizance under Sections 323, 379,420 and 504 has been taken by the learned Magistrate.

Allegation against the petitioners, as per complaint, is that on the date of occurrence, the husband of the complainant had gone to the house of the petitioners to make a complain that a forged decree has been obtained by the petitioners upon which they got angry and started abusing the complainant and her husband and also assaulted her and her husband by fist and slaps. It has further been alleged that the petitioner no. 1



snatched a sum of Rs. 7000/- from the pocket of the husband of the complainant and petitioner no. 2 snatched golden chain from the neck of the complainant.

Learned counsel appearing on behalf of the petitioners submits that petitioners have falsely been implicated in the present matter inasmuch as earlier the complainant had lodged FIR bearing Forbesganj P.S.Case No. 298 of 2013 alleging that the petitioners have obtained a forged decree from the court below in Title Suit No. 151 of 1994. He further submits that the police after investigation submitted final form in a case arising out of Forbesganj P.S.Case No. 298 of 2013 exonerating the petitioners from the charges and petitioners were not sent up for trial. Learned counsel further submits that a protest-cum-complaint petition was filed by the complainant against the petitioners in which learned Magistrate has taken cognizance on 06.02.2019. Learned counsel also submits that a valid decree declaring title of the land in favour of the petitioners has been passed by the court below in the above mentioned title suit.

Having regard to the submissions made by the parties and taking into consideration the fact that learned court below has passed decree in the title suit and the police, after investigation, has submitted final form in favour of the petitioners, as such I



am inclined to grant anticipatory bail to the petitioners.

Let the petitioners, above-named, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Araria in connection with Complaint Case No. 1550 of 2014; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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