

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71269 of 2019

Arising Out of PS. Case No.-976 Year-2015 Thana- BUXAR COMPLAINT CASE District-
Buxar

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1. Dhurbal @ Dhurwal Yadav @ Dhurbal Yadav Son of Shree Ram Yadav
 2. Umesh Yadav @ Umesh Kumar Son of Dhurbal @ Dhurwal Yadav
 3. Dhan Patiya Devi Wife of Dhurbal Yadav
 4. Suman Devi Wife of Umesh Yadav All Resident of Village-Khandhara (Pandepur), P.S-Simri, District-Buxar.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Raj Kumari Devi Wife of Nagendra Yadav Resident of Village-Khandhara (Pandepur), P.S-Simri, District-Buxar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha
For the Opposite Party/s : Mr.Ajay Kumar

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioners as well as

learned Addl. Public Prosecutor for the State and learned

counsel for the complainant.

Petitioners are apprehending their arrest in Complaint
Case no. 976C of 2015 in which cognizance has been taken
under sections 323, 354(A) and 379 of the IPC.

Admitted position is that there is subsisting land
dispute between the parties and both are members of same
family.

Counsel for the petitioners submits that the petitioners
are innocent and have falsely been implicated in this case which



is counter blast of F.I.R lodged by petitioner no.1 bearing Simri P.S. case no. 172/2015 which was lodged on 26.08.2015. The complaint petition has been filed by the present complainant subsequent thereto on 31.08.2015.

Counsel for the petitioners further submits that there is explicit contradiction in the allegation regarding outraging modesty of complainant. Complaint has been lodged *mala fide* only to implicate the petitioners along with their family members. Non-bailable warrant was issued against the petitioners on 09.08.2019. Thereafter, they have taken proper steps for securing privilege of anticipatory bail.

Learned A.P.P and learned counsel for the complainant oppose the prayer for anticipatory bail.

Considering the rival submissions, prayer is allowed.

In the event of arrest/ surrender within four weeks from the date of receipt of a copy of the order in the court below, petitioners shall be released on bail on furnishing bail bonds of Rs 10,000/- each with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate III, Buxar in Complaint Case no. 976C of 2015 subject to the condition under section 438(2) Cr.P.C and other conditions.

(1) That one of the bailors will be a close relative of



the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(2) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

(Madhuresh Prasad, J)

s.hassan/-

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