

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77984 of 2019

Arising Out of PS. Case No.-168 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. Ratan Kumar @ Ratan Kumar Sah, Male, aged about 46 years, Son of Late Kant Lal Sah Resident of Village-Garhsisai, P.S.-Vidyapati, District-Samastipur.
 2. Akhilesh Mallik, Male, aged about 21 years, Son of Yogendra Mallik, Resident of Village-Garhsisai, P.S-Vidyapati, District-Samastipur.
 3. Tarakh Sahni @ Tarak Sahni, Male, aged about 53 years, Son of Ram Chandra Sahni, Resident of Village-Garhsisai, P.S-Vidyapati, District-Samastipur.
 4. Sandeep Kumar @ Sandeep Sahni, Male, aged about 21 years, Son of Tarakh Sahni, Resident of Village-Garhsisai, P.S.-Vidyapati, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vinod Sah, aged about 49 years, Son of Late Batoran Sah, Resident of Village + P.O. - Garhsisai, P.S. - Vidyapatinar, District - Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Kaushik, Advocate
For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-12-2019 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Complaint Case No. 168 of 2018 registered for the offences punishable under Sections 147, 379 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences (POCSO) Act.

Prosecution case in brief is that one Vinod Sah, son of



Late Batoran Sah filed a petition of complaint before the learned Special Judge, Samastipur stating therein *inter alia* that all the accused persons (2%) armed with sharp weapons on the direction of Akhilesh and Ratan with the intention of grabbing valuable house, circumscribed the informant and asked him to leave the house otherwise they threatened to kill the entire family. The informant is residing there for 29 years after building a house on the land purchased by him. When the informant and family members protested against it, then A.S.I. Sambhu Babu asked them to go away otherwise they were threatened to be killed and thereafter he left. Thereafter, the accused persons assaulted the informant, his wife his daughter, his brother and sister-in-law and denuded daughter Sonam Kumari, harassed her and asked her to tell her father to give the property to them. They also denuded his wife and harassed his sister-in-law while assaulting his brother. It was further stated that Vidyapati Police Officer, Shambhu Singh was also responsible for the occurrence. When the informant went to the police, he abused him and threatened to kill him. It was further stated that all the accused persons robbed his house at 11 P.M. while they were armed. The accused persons took away gold worth Rs.9,50,000/- silver anklet worth Rs.500/- and 15,000/-



cash and they have grabbed the valuable cemented house with the aid of police. They also give threatening to the informant that they will register the land in the registration office. The informant has approached the S.P., D.S.P., D.I.G. and I.G., D.G.P. by writing applications but they did not lodge the case. The wife and daughter was treated at Sarai Ranjan Primary Health and have treatment registration number 64418 C 41419, 68418 C 41417. The accused persons again attacked the informant and his wife and injured his head and also burnt the body with acid.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. He further submits that the present case due to land dispute relating to a property between his family and the family of co-accused. Learned counsel for the petitioners further submits that the dispute relates to small portion of land had measuring area of little more than 1 kattha of land. Learned counsel for the petitioners further submits that the petitioner nos.1 and 2 have also been made accused in Complaint Case No.169 of 2018 dated 26.11.2018 filed by the wife of the complainant in the present case for the offences under Sections 323, 34, 343, 354(B), 504 and 506 of the IPC. Petitioner nos.1



and 2 have no other criminal antecedent whereas the petitioner nos.3 and 4 have absolutely no criminal antecedent.

Since there is POCSO Act, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, the prayer for anticipatory bail of the petitioners is hereby rejected. However, the petitioners are directed to surrender before the court below and pray for regular bail and the learned court below is directed to pass the order on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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