

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73878 of 2019

Arising Out of PS. Case No.-258 Year-2018 Thana- ARARIA District- Araria

1. BRAHAMDEO RISIDEO S/O Late Rabbi Risideo Resident of Village - Dewariya Tedhi Mushari, W. No. 3, P.S. - Araria, District - Araria.
2. Niraj Risideo S/o Munni Risideo Resident of Village - Dewariya Tedhi Mushari, W. No. 3, P.S. - Araria, District - Araria.
3. Reena Devi Wife of Niraj Risideo Resident of Village - Dewariya Tedhi Mushari, W. No. 3, P.S. - Araria, District - Araria.
4. Anil Risideo @ Anil Kumar S/O Niraj Risideo Resident of Village - Dewariya Tedhi Mushari, W. No. 3, P.S. - Araria, District - Araria.
5. Aowanand Risideo S/O Haleshar Risideo Resident of Village - Dewariya Tedhi Mushari, W. No. 3, P.S. - Araria, District - Araria.
6. Rowanand Risideo S/O Haleshar Risideo Resident of Village - Dewariya Tedhi Mushari, W. No. 3, P.S. - Araria, District - Araria.
7. Kutliya Devi W/O Devanand Risideo Resident of Village - Dewariya Tedhi Mushari, W. No. 3, P.S. - Araria, District - Araria.
8. Musiya Devi @ Guddan Devi W/O Dayanand Risideo @ Dayanand Rishi Resident of Village - Dewariya Tedhi Mushari, W. No. 3, P.S. - Araria, District - Araria.
9. America Devi W/O Brahamdeo Risideo Resident of Village - Dewariya Tedhi Mushari, W. No. 3, P.S. - Araria, District - Araria.
10. Most. Pabiya Devi @ Pabiya Devi W/O Ramdeo Risideo Resident of Village - Dewariya Tedhi Mushari, W. No. 3, P.S. - Araria, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate
For the Opposite Party/s : Mr. Nityanand, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners apprehends their arrest in connection
with Araria P.S. Case No. 258 of 2018 for the offence registered



under Sections 148, 341, 323, 354(B), 379, 380, 384, 504, 120 B of the Indian Penal Code.

The allegation against the petitioners as per the First Information Report is that the complainant cum informant allege that the accused persons are indulged in illegal sale of country made liquor and the son of the complainant runs a grocery shop and the accused persons, in drunken condition, regularly come to his shop and used to abuse and misbehave with him. It is further alleged that one day before the alleged date of occurrence, the accused persons along with other unknown persons arrived at the shop of the son of the complainant and demanded match box and when the informant refuses to open the shop, the accused persons and others started threatening the informant and told that his house would be set on fire for which *Panchayat* was held but all accused persons with weapons attacked the house of the informant, started abusing and assaulting the informant. When the wife of the informant came forward to save him, all the accused persons tried to outrage her modesty and also took away a box containing clothes and also snatched Rs. 8,000/- from the house of the informant.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the instant case based



upon mala fide complaint inasmuch as from perusal of complaint, it appears that the date of occurrence has been alleged as 11.04.2018 whereas, the present complaint has been filed after a considerable delay on 19.04.2018. Learned counsel further submits that there is case and counter case between the parties inasmuch as one of the petitioners Reena Devi has also lodged a complaint bearing Complaint Case No. 842 C of 2018 alleging assault, tress-pass of house and theft against the informant and others. Learned counsel further submits that both the parties are co-villagers and there is previous enmity between the parties.

Having heard learned counsel for the parties and taking into consideration the facts that there is case and counter case between the parties and both the parties are co-villagers and no injury has apparently caused to the informant and others, I am inclined to grant anticipatory bail to the petitioners. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within four weeks, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned Chief Judicial Magistrate, Araria, in connection with Araria P.S. Case No. 258 of 2018,



subject to the condition as laid down under Section 438(2) of
the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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