

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79179 of 2018

Arising Out of PS. Case No.-99 Year-2017 Thana- HARLAKHI District- Madhubani

-
1. Lal Yadav Son of Madhuri Yadav
 2. Ram Kumari Devi Wife of Lal Yadav
- Both Resident of Village - Dighiya, P.S.- Harlakhi, District - Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Sri Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 28-01-2019 Heard both sides.

The petitioners apprehend their arrest in Harlakhi P.S.
Case No.99 of 2017 registered under Sections 452, 376, 511,
323, 379 and 504 of the Indian Penal Code.

The complainant filed Complaint Case No.130 of
2017 alleging therein that on 28.03.2017 petitioner no.1 Lal
Yadav entered into her house and made an attempt to commit
rape with her but petitioner no.1 fled away on alarm. Thereafter
the son and the wife of petitioner no.1 came and threatened the
complainant. On the basis of which, present F.I.R. was lodged.

Learned counsel for the petitioners submits that the
occurrence is said to have taken place on 28.03.2017 but the
complaint was filed on 27.04.2017. It appears from the signature



of the advocate of the complainant that the complaint was filed on 27.05.2017 i.e. only after two months of the occurrence. Thereafter the complaint petition was sent to the police station for registration and investigation. The police submitted charge sheet under Section 354 and other sections of the Indian Penal Code. It is further submitted that the complainant herself alleged that earlier Harlakhi P.S. Case No.28 of 2017 was registered and the same was compromised. On account of land dispute, the complainant lodged the case making false and frivolous allegation. The complainant did not give any explanation for instituting the complaint case after two months of the occurrence.

Having considered the facts that complainant and the petitioners are neighbours and the complainant herself stated that the date of occurrence is 28.03.2017 but the advocate of complainant put signature on the complaint petition on 27.05.2017 and no explanation was given for lodging the complaint after two months of the occurrence, the petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Ten



thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Bennipatti, Madhubani in connection with Harlakhi P.S. Case No.99 of 2017, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

Harish/-

U			
---	--	--	--

