

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81759 of 2019

Arising Out of PS. Case No.-378 Year-2017 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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1. Kapuri Devi Wife of Harichand @ Harichandra Lathaur Resident of Village - Korda (Kodar), P.S.- Tilauthu, District- Rohtas at Sasaram
 2. Sunil Lathaur Son of Harichand @ Harichandra Lathaur @ Harchan Lathaur Resident of Village - Korda (Kodar), P.S.- Tilauthu, District- Rohtas at Sasaram
 3. Devan Lathaur Son of Harichand @ Harichandra Lathaur @ Harchan Lathaur Resident of Village - Korda (Kodar), P.S.- Tilauthu, District- Rohtas at Sasaram
 4. Muna Lathaur Son of Harichand @ Harichandra Lathaur @ Harchan Lathaur Resident of Village - Korda (Kodar), P.S.- Tilauthu, District- Rohtas at Sasaram
 5. Neta Lathaur Son of Harichand @ Harichandra Lathaur @ Harchan Lathaur Resident of Village - Korda (Kodar), P.S.- Tilauthu, District- Rohtas at Sasaram
 6. Bachni Lathaur Son of Harichand @ Harichandra Lathaur @ Harchan Lathaur Resident of Village - Korda (Kodar), P.S.- Tilauthu, District- Rohtas at Sasaram

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Santosh Lathaur Son of Munaka Lathaur Resident of Village - Korda (Kodar), P.S.- Tilauthu, District- Rohtas at Sasaram

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Tripathy
For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-12-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a
complaint case wherein process has been directed to be issued
after cognizance being taken for the offences punishable under



Sections 323, 324, 380 and 354 of the Indian Penal Code.

The prosecution case as per the complaint petition is that on 07.05.2017 all the accused persons came variously armed at the door of the complainant and on protest being made, the accused persons, on the order of petitioner no. 1 Kapuri Devi, entered into the house of the complainant and Dewan Lathaur, petitioner no. 3 assaulted with axe to the complainant. The accusation of assault has also been levelled against petitioner no. 2, Sunil Lathaur when it is alleged against Bachni Lathaur, petitioner no. 6 to have tried to ravish Binda Devi. The accused persons also snatched gold chain and cash amount of Rs.3,000/-.

It is submitted by learned counsel for the petitioners that for the alleged occurrence of 07.05.2017, the complaint petition was filed on 11.05.2017 and major portion of the accusation has not been found prima facie true while issuing process against the petitioners. It is further submitted that in the background of land dispute, the accusation has been levelled and at earlier point of time, the petitioners' side filed Complaint Case No. 1170 of 2007 against the complainant and others and none of the injury has been found grievous.

Learned APP submits that the accusation of assault



has been levelled against the petitioners.

Considering the delayed lodging of the complaint, case lodged by the petitioners' side at earlier point of time and the fact that the cognizance has been taken only under the offences triable by Magistrate, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Rohtas at Sasaram in connection with Complaint Case No. 378 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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