

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55986 of 2018

Arising Out of PS. Case No.-804 Year-2015 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Janak Chaudhary, S/o Late Bindeshwar Chaudhary, R/o Serahawa, P.S.-
Bagha, District- West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Bhukha Khatoon, W/o Saudagar Rai, R/o Vill.- Serhava , P.S.- Bagha, Distt.-
West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suresh Prasad Sharma

For the Opposite Party/s : Mr. Aditya Narayan Singh 1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 10-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 420, 323 and 504 of the Indian Penal Code.

The prosecution case as per the complaint petition filed by Bhuka Khatoon before the learned ACJM 1st, Bagaha is to the effect that the land of the complainant was transferred by all the accused persons on the basis of forged documents. It is also



alleged that co-accused Vishvanath Chaudhary and the petitioner entered into the house of the complainant, started abusing the complainant and also assaulted her with lathi, danda, fists and slaps. On alarm being raised, nearby people came then the life of complainant could be saved.

It is submitted by learned counsel for the petitioner that the accusation of assault is omnibus and general against the petitioner. It is further submitted that neither any description of the sale deed has been given in the complaint nor anything has been mentioned about the seller and purchaser of the land in question. Moreover, there is a land dispute between the complainant and one Amina Khatoon with regard to the land in question and the petitioner has no concern with the said land dispute. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that there is specific accusation of assault against the petitioner.

It appears that a Co-ordinate Bench of this Court, vide order dated 22.11.2018, issued notice to opposite party no.2 but office note dated 26.02.2019 reflects that since the opposite party no.2 was not found present at her house hence, house service was effected. Thereafter, considering the notices issued



to opposite party no.2 as valid service, this Court vide order dated 27.02.2019 directed the matter to be listed under the heading 'For Admission' on 13.03.2019.

Today when the case was called out none is appearing on behalf of the opposite party no.2.

Considering the fact that the prosecution report does not contain the basic description of the sale deed which is a cause of action for lodging of the present case, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned **ACJM, Bagaha, West Champaran** in connection with **Tr. No. 3792 of 2017** arising out of **C-804/2015**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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