

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10645 of 2020

Arising Out of PS. Case No.-1055 Year-2018 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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1. KISHAN DAS Son of Late Harihar Das Resident of Mohalla - Meer Tola, Ward no. 7, P.S.- Saharsa, District - Saharsa
 2. Mahesh Das @ Mahesh Kumar Das Son of Kishan Das Resident of Mohalla - Meer Tola, Ward no. 7, P.S.- Saharsa, District - Saharsa
 3. Ramesh Das @ Ramesh Kumar Das Son of Kishan Das Resident of Mohalla - Meer Tola, Ward no. 7, P.S.- Saharsa, District - Saharsa
 4. Mohan Das @ Mohan Kumar Das Son of Kishan Das Resident of Mohalla - Meer Tola, Ward no. 7, P.S.- Saharsa, District - Saharsa
 5. Asha Devi Wife of Mahesh Das @ Mahesh Kumar Das Resident of Mohalla - Meer Tola, Ward no. 7, P.S.- Saharsa, District - Saharsa
 6. Rinki Devi Wife of Mohan Das @ Mohan Kumar Das Resident of Mohalla - Meer Tola, Ward no. 7, P.S.- Saharsa, District - Saharsa
 7. Sanjay Suman @ Sanjay Kumar Suman Son of Shiv Das Resident of Mohalla - BabajiKuti, Ward no. 6, P.S.- Saharsa, District - Saharsa.
 8. Nittu Kumar Son of Rajendra Sharma Resident of Mohalla – Lokoshed PaniTanki Railway Colony, Ward no. 28, P.S.- Saharsa, District - Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sujata Devi Wife of Sajan Kumar Resident of Mohalla - Meer Tola Ward No.-7, P.S. and District - Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raja Ram Mishra, Advocate
For the State	:	Mr. Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 30-06-2020 Heard Mr. Raja Ram Mishra, learned counsel for

the petitioners and Shailendra Kumar, learned Additional

Public Prosecutor appearing for the State through video

conferencing.



Petitioners apprehend arrest in connection with Complaint Case No. 1055 of 2018 registered for the offences punishable under Sections 341, 323, 379, 354, 504 and 506 of the Indian Penal Code in which cognizance under Sections 341, 323, 379, 354, 504 and 506 of the Indian Penal Code has been taken by the learned Magistrate.

The allegation against the petitioners is that they entered into the house of the complainant, abused the complainant, assaulted her husband and also tried to outrage her modesty.

Learned counsel for the petitioners submits that both the parties are closely related inasmuch as the petitioner no. 1 is the father-in-law of the complainant, petitioner nos. 2 to 4 are brothers-in-law and petitioner nos. 5 and 6 are sisters-in-law of the complainant, whereas petitioner no. 7 is a *Panch* and petitioner no. 8 is brother of petitioner no. 6. Learned counsel further submits that the present complaint has been filed in retaliation of complaint being complaint case no. 855 of 2018 filed by the petitioner no. 5 against the complainant and her husband on



20.07.2018, in which, cognizance has been taken by the learned Magistrate against the husband of the complainant and another person.

Learned counsel for the petitioners referring to Annexure-2 to this anticipatory bail application submits that the petitioner no. 2 has also lodged First Information Report against the complainant and her husband being Sadar P.S. Case No.1090 of 2018 dated 01.10.2018 registered for the offences under Sections 341, 323, 379, 504 and 506/34 of the Indian Penal Code. He further submits that both the parties are fighting various litigation due to property dispute between them.

Having regard to the submissions made by the parties and taking into consideration the fact that both the parties are closely related and they have filed cases against each other, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners, above named, shall be released on anticipatory 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 Additional Chief Judicial Magistrate-III, Saharsa, in connection with Complaint Case No. 1055 of 2018, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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