

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22403 of 2020

Arising Out of PS. Case No.-156 Year-2019 Thana- PANDAUL District- Madhubani

1. BASISHTA PASWAN Son of Bakal Paswan Resident of Village - Sonour, P.S. - Sakri, District - Madhubani.
2. Jibachhi Devi Wife of Basishta Paswan Resident of Village - Sonour, P.S. - Sakri, District - Madhubani.
3. Rahul Mahto @ Rahul Kumar Mahto Son of Videsh Mahto Resident of Village - Sonour, P.S. - Sakri, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar Singh
For the Opposite Party/s : Mrs. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 02-11-2020

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Pandaul P.S. Case No. 156 of 2019, disclosing the offence under Sections 452, 341, 323, 427, 354, 380, 436, 504, 506 and 34 of the Indian Penal Code.

Petitioners no. 1 and 2 are husband and wife. Petitioner no. 3 belongs to the same family. A complaint petition is the basis for registration of the FIR. The complaint petition was filed on 28.08.2018. The informant runs a nursing home, as per the complaint case and allegedly the wife of petitioner no. 3 was brought to the said nursing home for delivery, as she was



pregnant. She was referred to hospital for better treatment, it is alleged. It is further alleged that the patient was taken to a private hospital in Patna where she died. Thereafter, the accused persons came to the informant's nursing home with the dead body of the deceased and started demanding a sum of Rs. 25 lakhs as compensation. It is also alleged that they vandalised the nursing home, assaulted the staff of the nursing home and misbehaved with the females in the nursing home.

Learned counsel appearing on behalf of the petitioners has argued that the occurrence is said to have taken place on 10.08.2018-11.08.2018 but the complaint case has been filed on 28.08.2019, after nearly 18 days. He has further submitted that explanation tendered in the complaint petition that the police had refused to register FIR is unbelievable for the reason that the informant himself has disclosed in the complaint petition that his car was set on fire by the mob, whereafter the police personnel had come and took away his car.

Considering the circumstance in which the occurrence is said to have taken place and delay in lodging of the complaint case, in the facts and circumstances, this application is allowed.

Let the petitioners, above-named, in the event of



their arrest/surrender within six weeks from today in the court below, be released 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 the learned Chief Judicial Magistrate, Madhubani, in Pandaul P.S. Case No. 156 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/ Court, as the case may be, as and when required and in the event of failure on their part to appear before the court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

It is directed that defects in the application pointed out by the Registry must be removed within two months from today.

(Chakradhari Sharan Singh, J)

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