

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 27470 of 2020

Arising Out of PS. Case No.-553 Year-2018 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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1. SURYADEV SINGH @ SURYADEO SINGH S/o Late Yadu Singh Resident of Village-Pathrahi Ward No.9, Police Station-Ladaniya, District-Madhubani.
 2. Rajendra Singh S/o Late Yadu Singh Resident of Village-Pathrahi Ward No.9, Police Station-Ladaniya, District-Madhubani.
 3. Vinod Kumar Singh S/o Chandradeo Singh Resident of Village-Pathrahi Ward No.9, Police Station-Ladaniya, District-Madhubani.
 4. Ram Narayan Singh S/o Chandradeo Singh Resident of Village-Pathrahi Ward No.9, Police Station-Ladaniya, District-Madhubani.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Gurudeo Singh S/o Late Moti Singh (Ray) Resident of Village-Pathrahi, Police Station-Ladaniya, District-Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Mr Mukeshwar Dayal, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 03-12-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioners and the



learned APP for the State.

Petitioners apprehend arrest in connection with Complaint Case No 553 of 2018 dated 09.07.2018 instituted for the offence punishable under Sections 341, 323, 471, 354, 420 of Indian Penal Code.

Prosecution case is that petitioners No 1 and 2, in order to assert their possession over their ancestral land, have resorted to violence and even disrobed the complainant's wife.

It is submitted by the petitioners' counsel that the allegations are false. In fact, a sale deed has been executed in favour of petitioners No 1 and 2 by the complainant's father but the same remained unregistered since complainant's father died immediately after executing the document. Petitioners No 1 and 2 have valid right in their possession. Only to defeat the legitimate claim, they have been implicated in this case. Petitioner No 3 is identifier and petitioner No 4 is the witness to the document. Petitioners No 1 and 2 are aged about 75 and 61 years respectively and their implications are on extraneous considerations. Petitioners' counsel has also submitted that the petitioners have no criminal antecedent.

Learned APP for the State has opposed the prayer for anticipatory bail. It is submitted that there is specific allegation



against the petitioners of assaulting and disrobing the complainant's wife.

In the facts and circumstances of the case, prayer of petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, before the Court below, within four (04) weeks from today, they shall be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Madhubani at Hajipur in Complaint Case No 553 of 2018 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today



for depositing requisite Court fee and removing the defect (s), as
pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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