

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.741 of 2020

Arising Out of PS. Case No.-2878 Year-2007 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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1. SUMANGAL RAI @ SUMANGAL PRASAD @ SUMANGAL RAY S/o
Ram Vriksh Rai R/o village- Jikhara Gopalpur, P.S.- Mahua, Distt.- Vaishali
 2. Manju Devi W/o Sumangal Rai @ Sumangal Prasad @ Sumangal Ray R/o
village- Jikhara Gopalpur, P.S.- Mahua, Distt.- Vaishali

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Aloknath Shukla S/o Late Ram Chandra Shukla Resident at village- Koyari,
P.S.- Ganga Bridge, Distt.- Vaishali. At present Residing of Bagdulhan road,
P.S.- Town Hajipur, District- Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar
For the Opposite Party/s : Mr.Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-06-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of Virtual Court proceeding.

The matter has been listed under the heading 'For
Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case
registered under Sections 341, 323 and 379 of the Indian Penal
Code.

Prosecution allegation, in short, is that on a trivial



issue of request for vacating the house, the accused persons abused and assaulted the complainant and also threatened not to vacate the house.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. A complaint case was filed alleging therein that the petitioners are said to have committed theft. The petitioners and the complainant are tenant and landlord. The landlord wanted the premises in question to get vacated by the petitioners. Due to the said dispute, the present complaint case has been filed and petitioners have been made accused in the present case. It is a mala fide prosecution.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioners above named, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of learned A.C.J.M. -I, Vaishali at Hajipur in connection with Complaint Case No.



2878 of 2007, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

Once the normalcy is restored, the petitioners shall
furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) each
with two sureties of the like amount each within a period of
seven weeks to the satisfaction of the Court concerned in
connection with the aforesaid case.

(Sudhir Singh, J)

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