

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19154 of 2020

Arising Out of PS. Case No.-1482 Year-2018 Thana- COMPLAINT CASE District- Jamui

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1. Heman Das, male, aged about 45 years, Son of Late Rajo Das.
 2. Vikas Das, male, aged about 40 years, Son of Late Rajo Das.
 3. Sima Devi, female, aged about 38 years, Wife of Heman Das
All of three are resident of Village - Lakhan Kiyari, P.S. - Sono, District - Jamui.
 4. Reshmi Devi, female, aged about 30 years, Wife of Subodh Das, resident of Village - Kohila, P.S. - Sono, District - Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Neha Devi @ Neha Kumari, Wife of Sudhir Das, resident of Village - Lakhan Kyari, P.O. and P.S. - Sono, District - Jamui.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Sinha, Adv.
For the O.P. No. 2	:	Mr. Pankaj Kumar Sinha, Adv.
For the State	:	Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 08-02-2021 Heard Mr. Rajesh Kumar Sinha, learned Advocate for the petitioners and Mr. Pankaj Kumar Sinha, learned counsel for the complainant/opposite party No. 2. The State is represented by the learned



APP.

The petitioners seek bail in anticipation of their arrest in connection with Complaint Case No. 1482C of 2018, in which cognizance has been taken against them under Sections 341, 323 and 316/34 of the Indian Penal Code.

The allegation against the petitioners is of indulging in verbal scuffle with the complainant/opposite party No. 2 and, thereafter, assaulting her on her stomach by means of kicks and fists, which resulted in her abortion.

Learned counsel for the petitioners has submitted that the occurrence took place on 18.08.2018, but the complaint regarding the same was lodged on 01.09.2018, *i.e.*, after a delay of about thirteen days. The explanation for such late filing of the complaint is absolutely unacceptable. It has further been submitted that there is a land dispute between the parties and a proceeding under Section 107 Cr.P.C. is also pending adjudication.



Mr. Pankaj Kumar Sinha, learned counsel for the complainant/opposite party No. 2 however disputes the factum of any land dispute between the parties from before.

However, considering the accusation in the complaint petition as also the delay in lodging the same and taking into account the general nature of accusation, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Addl. Chief Judicial Magistrate, Jamui in connection with Complaint Case No. 1482C of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

It is however cautioned that the petitioners shall not try to tamper with the evidence or threaten the complainant/opposite party No. 2 or do anything to



intimidate her in prosecuting her case. Should the petitioners be found doing so, their anticipatory bail shall be rendered liable to be cancelled.

(Ashutosh Kumar, J)

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