

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.438 of 2021

Arising Out of PS. Case No.-23 Year-2019 Thana- MAHILA PS District- East Champaran

1. Shyam Babu Prasad, aged about 45 years, Male, Son of Late Gopal Jee Prasad, Resident of Village - Madhubani Ghat Allahabad Bank, P.S.- Muffasail Motihari, Distt.- East Champaran.
2. Vivek Kumar @ Niraj Kumar, aged about 23 years, Male, Son of Shyam Babu Prasad, Resident of Village - Madhubani Ghat Allahabad Bank, P.S.- Muffasail Motihari, Distt.- East Champaran.
3. Rita Devi, aged about 38 years, Female, W/o Shyam Babu Prasad, Resident of Village - Madhubani Ghat Allahabad Bank, P.S.- Muffasail Motihari, Distt.- East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Prateek Tandon, Advocate.
For the Opposite Party : Mr. Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-06-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioners and learned A.P.P. for the State through Virtual mode.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 341, 342, 323, 504, 506, 354, 354(B) and 379/34 of the I.P.C.

The prosecution story, in brief, is that the husband of the informant Niraj Bhaskar alias Pankaj Kumar had deposited



Rs. 4,83,000/- to start Petrol Pump business with Vivek Kumar alias Niraj Kumar (petitioner no. 2) in partnership. On 20.05.2019 at about 11.00 A.M. the informant alongwith her husband went to the house of accused Vivek Kumar @ Niraj Kumar for accounting, in the meantime, petitioners became angry, abused and assaulted them and snatched her gold chain, Dholna and nose-pin. Accused Vivek Kumar alias Niraj Kumar torn clothes of the informant, due to which she became unveiled and he misbehaved with her. The accused persons threatened the informant of dire consequences.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. A petition has been filed by the informant in the learned court below where she has retracted from her earlier statement made in the F.I.R. The said petition made by the informant is Annexure-2 to the present application.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioners above named, in the event of arrest



or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of the learned C.J.M., Motihari, East Champaran, in connection with Mahila P.S. Case No. 23/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Sudhir Singh, J)

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