

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27464 of 2023

Arising Out of PS. Case No.-258 Year-2022 Thana- BENIPATTI District- Madhubani

1. AMRIT DAS Son of Late Hari Narayan Das Resident of village - Basaitha, P.S. - Benipatti, Distt. - Madhubani
2. Laxmi Das @ Lucky Kumar @ Lucky Son of Amrit Das Resident of village - Basaitha, P.S. - Benipatti, Distt. - Madhubani
3. Rajesh Kumar Das Son of Sambhu Das Resident of village - Basaitha, P.S. - Benipatti, Distt. - Madhubani
4. Bablu Kumar Das Son of Sambhu Das Resident of village - Basaitha, P.S. - Benipatti, Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Adv.

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 12-07-2023 Heard Mr. Ashok Kumar Jha, learned counsel for the petitioners and Mr. Ganesh Prasad Singh, learned Additional Public Prosecutor for the State.

2. Petitioners apprehend thier arrest in connection with Benipatti PS Case No. 258/2022 dated 08.10.2022 registered for the offence punishable under Sections 341, 323, 307, 354(B), 379/34 of the IPC.

3. As per prosecution case, when the informant was returning back to her home after closing her shop, she was surrounded by the petitioners along with other co-accused



persons including the female members of the family. Allegation against petitioner no.1 is that he assaulted the informant by means of iron rod on her head and petitioners and other accused persons tried to outrage her modesty.

4. Learned counsel for the petitioners submits that the informant is niece of petitioner no.1 and daughter of his full brother who died two months ago. The mother of the informant has executed the gift deed in favour of the informant and her sisters transferring all the joint family property including the shares of the petitioners due to which the dispute arose between the parties. A counter case has been lodged by the side of the petitioners bearing Complain Case No. 411/2022. He also submits that the injury caused to the informant is simple in nature which would be evident from Annexure-2.

5. Regards being had to the submissions made by the parties, taking into consideration the fact that both the parties are close family members, there is a land dispute between them, there is a case and counter case between the parties, the injury caused to the informant is simple in nature, I am inclined to grant anticipatory bail to the petitioners.

6. Accordingly, let all the four petitioners, named above, in the event of arrest or surrender within four weeks from



today, be released on anticipatory bail, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Benipatti, Madhubani in connection with Benipatti PS Case No. 258/2022, subject to the condition as laid down under Section 438(2) CrPC.

(Anil Kumar Sinha, J)

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