

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43384 of 2023

Arising Out of PS. Case No.-456 Year-2019 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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1. Devanand Singh @ Devanand Kumar Singh Son Of Dilip Kumar Singh Resident Of Lakshmi Sagar, Ward No. 09, Police Station Madhubani, District- Madhubani
 2. Madhuri Devi @ Madhuri Kumari Wife Of Devanand Singh @ Devanand Kumar Singh Resident Of Lakshmi Sagar, Ward No. 09, Police Station Madhubani, District- Madhubani
 3. Dilip Kumar Singh Son Of Late Jaldhari Ray Resident Of Lakshmi Sagar, Ward No. 09, Police Station Madhubani, District- Madhubani
 4. Chetan Singh Son Of Dilip Kumar Singh Resident Of Lakshmi Sagar, Ward No. 09, Police Station Madhubani, District- Madhubani
 5. Sudhira Devi Wife Of Dilip Kumar Singh Resident Of Lakshmi Sagar, Ward No. 09, Police Station Madhubani, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Santoshi Devi Wife Of Anjani Ray Resident Of Lakshmi Sagar, Ps- Town, District- Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abu Nasar
For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-10-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Complaint Case No. 456 of 2019, registered for the offences punishable under Sections 323, 341, 448, 354, 504/34 of the Indian Penal Code.

3. As per the complaint petition, on the alleged date



and time of occurrence, all the petitioners armed with lethal weapons came and began to erect wall on the land of complainant. On protest by the complainant, all the petitioners surrounded and assaulted her. It is further alleged that petitioner no. 1 disrobed the complainant. Petitioner no. 2 snatched golden chain, petitioner no. 3 wrapped saree around the neck of complainant and petitioner nos. 4 and 5 took away suitcase containing clothes and cash. The accused persons also took her thumb impression on plain paper. It is further alleged that when the family members of complainant came to save her, they were also assaulted by the accused persons.

4. Learned counsel for the petitioners submits that petitioners have got clean antecedents and they have been falsely implicated in this case due to admitted land dispute between the parties. He further submits that allegation as alleged in the complaint is false and fabricated and petitioners have committed no offence. From bare perusal of complaint petition, it appears that no specific overt act has been alleged against petitioners rather allegation is general and omnibus against all the accused persons.

5. Learned counsel for the complainant/opposite party no. 2 on the other hand, on the basis of materials available on



record vehemently opposes the prayer for bail and submits that the complainant has supported the prosecution case in her deposition before the learned court below, but he fairly submits that due to land dispute the alleged occurrence took place.

6. Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhubani in connection with Complaint Case No. 456 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with further conditions:-

- (i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the Court below.
- (ii) If the petitioner tampers with the evidence or the witness, in that case, prosecution will be at liberty to move for cancellation of bail.
- (iii) And, further condition that the court below shall verify the criminal antecedent of the petitioner



and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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