

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58579 of 2022

Arising Out of PS. Case No.-289 Year-2020 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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1. RAJENDRA ROY S/O LATE DUKHA ROY Resident of village- Ladaniya, P.S.- Andhramath, District- Madhubani.
 2. MANOJ ROY S/O RAJENDRA ROY Resident of village- Ladaniya, P.S.- Andhramath, District- Madhubani.
 3. ANOJ ROY @ MUSHAR ROY S/O RAJENDRA ROY Resident of village- Ladaniya, P.S.- Andhramath, District- Madhubani.
 4. SAILENDRA ROY @ SHAILENDRA ROY S/O YUGESHWAR ROY Resident of village- Ladaniya, P.S.- Andhramath, District- Madhubani.
 5. KAILA ROY S/O RAJENDRA ROY Resident of village- Ladaniya, P.S.- Andhramath, District- Madhubani.
 6. PRAVEEN KUMAR S/O RABIYA ROY Resident of village- Ladaniya, P.S.- Andhramath, District- Madhubani.
 7. DALUA KUMAR S/O PRAVEEN KUMAR Resident of village- Ladaniya, P.S.- Andhramath, District- Madhubani.
 8. SUNITA DEVI W/O ANOJ ROY Resident of village- Ladaniya, P.S.- Andhramath, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. MAMTA DEVI W/O RAM NARAYAN ROY Resident of village- Ladaniya, P.S.- Andhramath, District- Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Adv.
For the Opposite Party/s : Mr.Awadhesh Kumar Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-02-2023 Learned counsel for the petitioner submits that during the pendency of the petition, petitioner No. 3, Anoj Roy @ Mushar Roy has died and as such prayer against him now has become infructuous.

Heard learned counsel for the petitioners and the



State.

The petitioners apprehend their arrest in connection with Complaint Case vide C.R. No. 289 of 2020 instituted under Sections 147, 149, 341, 323, 379, 380, 452, 448, 354B, 504, 506 of the Indian Penal Code.

As per the prosecution story, the complainant alleged that the accused, Anoj Roy (petitioner No. 3) since deceased had taken loan of Rs. 25,000/- and failed to repay and when she was working at her home on the particular day as she saw him, she asked for the money which resulted into him abusing the complainant whereafter the accused persons assaulted and further allegation is of taking away certain amount as also outraging the modesty.

Learned counsel for the petitioners submit that there is a case and counter case and for a passage between their home, certain altercation took place on that day and the same has been exaggerated and the complaint has been filed. The further submission is that main accusation was against Anoj Roy who is unfortunately no more.

Learned APP on the other hand opposes the prayer for bail stating that Anoj Roy had taken the loan and having failed to pay the same, she was asking for the return of the amount,



infuriated, assaulted the complainant side.

Be that as it may, the main allegation is against Anoj Roy who is now no more and regarding other accused persons, they do not have criminal history, the allegation of assault is there, although but no injury is on record and ultimately, they will have to face the trial, this Court is inclined to extend them privilege of anticipatory bail.

Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Complaint Case vide C.R. No. 289 of 2020 to the satisfaction of learned Judicial Magistrate, 1st Class, Jhanjharpur, Madhubani, subject to the conditions as laid down under Section 438(2) of the Cr.P.C and with the further conditions :

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Ajay Singh/-

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