

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65717 of 2023

Arising Out of PS. Case No.-515 Year-2020 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. HARINDER SAH S/O LATE KASHI SAH R/O VILLAGE - BRAWA BARWALI, P.S- SIKARPUR, DISTT.- WEST CHAMPARAN.
 2. YOGENDRA SAH S/O LATE KASHI SAH R/O VILLAGE - BRAWA BARWALI, P.S- SIKARPUR, DISTT.- WEST CHAMPARAN.
 3. LALAN SAH S/O LATE KASHI SAH R/O VILLAGE - BRAWA BARWALI, P.S- SIKARPUR, DISTT.- WEST CHAMPARAN.
 4. LACHAMINA DEVI W/O HARINDER SAH R/O VILLAGE - BRAWA BARWALI, P.S- SIKARPUR, DISTT.- WEST CHAMPARAN.
 5. BABITA DEVI W/O KISHOR SAH R/O VILLAGE - BRAWA BARWALI, P.S- SIKARPUR, DISTT.- WEST CHAMPARAN.
 6. SAROJ DEVI W/O DINESH SAH R/O VILLAGE - BRAWA BARWALI, P.S- SIKARPUR, DISTT.- WEST CHAMPARAN.
 7. RAMJI SAH S/O BENI SAH R/O VILLAGE- SIARAHI, P.S- SIKARPUR, DISTT.- WEST CHAMPARAN.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR, BIHAR
2. PRATIMA DEVI WIFE OF LATE MAHESH SHAH RESIDENT OF VILLAGE - BARBA BAROULI, TOLA - KHAJURIYA, P.S. - SHIKARPUR, DISTRICT - WEST CHAMPARAN

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Surbhi Suman, Advocate
For the State	:	Mr. Nagendra Prasad, APP
For the Opposite party no. 2	:	Mr. Vimlesh Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 27-02-2024 Heard Ms. Surbhi Suman, learned counsel for the petitioner and Mr. Vimlesh Kumar Pandey, learned counsel representing the opposite party no. 2.

2. The petitioners are apprehending their arrest in connection with Complaint Case No. 515 of 2020 for the



offence under sections 354(B), 498(a) of the I.P.C.

3. As per the prosecution story, the complainant husband, Mahesh Ram is no more and she has alleged that her in-laws regularly harassed her. Further, so far as the petitioner no. 1, Harinder Sah is concerned, the allegation is of not only outraging the modesty of the lady, he also tried to commit rape by entering her home and upon protest, assaulted. Left with no alternative, the case.

4. Learned counsel for the petitioners submit that due to land dispute, the entire family members have been implicated. This includes the ladies too and as such, they deserve anticipatory bail.

5. Mr. Vimlesh Kumar Pandey, learned counsel appearing on behalf of opposite party submits that a bare perusal of the complaint would show how after the death of her husband, she is being tortured by the family members. He further submits that so far as the petitioner no. 1, Harinder Sah is concerned, beside 498(A), other sections are also applicable considering the act he has done with the widow.

6. Taking into account the submissions put forward by the parties as also that the dispute has come between the widow complainant and the accused persons, so far as the petitioner no.



1, Harinder Sah is concerned, it would be appropriate that he surrenders and seek bail, his anticipatory bail application stands rejected.

7. So far as the petitioner no. 2 to 7 namely, Yogendra Sah, Lalan Sah, Lachamina Devi, Babita Devi, Saroj Devi and Ramji Sah are concerned, they do not have criminal antecedent and the case has been lodged, they will be facing the music, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

8. Let the petitioner nos. 2 to 7, named above, be released on bail in the event of arrest or surrender 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 like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Bettiah, in connection with Complaint Case No. 515 of 2020 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner nos. 2 to 7 who shall provide official document to show his/her bona fide;

(ii) the petitioner nos. 2 to 7 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 petitioner nos. 2 to 7 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;

(iv) the petitioner nos. 2 to 7 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)

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