

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5132 of 2024

Arising Out of PS. Case No.-350 Year-2018 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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1. Chandrakala Devi WIFE OF Ganga Ram RESIDENT OF VILLAGE-BASUKI BIHARI MUSHARI TOL, PS- MADHWAPUR, DISTT-MADHUBANI
 2. GANGA RAM SON OF LATE RAM LAL RAM RESIDENT OF VILLAGE- BASUKI BIHARI MUSHARI TOL, PS- MADHWAPUR, DISTT- MADHUBANI
 3. SARWAJEET RAM SON OF GANGA RAM RESIDENT OF VILLAGE-BASUKI BIHARI MUSHARI TOL, PS- MADHWAPUR, DISTT-MADHUBANI
 4. KIRAN DEVI WIFE OF SARWJEET RAM RESIDENT OF VILLAGE-BASUKI BIHARI MUSHARI TOL, PS- MADHWAPUR, DISTT-MADHUBANI
 5. RAKESH RAM SON OF GANGA RAM RESIDENT OF VILLAGE-BASUKI BIHARI MUSHARI TOL, PS- MADHWAPUR, DISTT-MADHUBANI

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. LALITA DEVI WIFE OF SRI DINESH RAM RESIDENT OF VILLAGE-BASUKI BIHARI MUSHARI TOL, PS- MADHWAPUR, DISTT-MADHUBANI

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pushpendra Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP
For the Complainant	:	Mr. Ravi Prakash, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 09-04-2024 It has been informed by Mr. Pushpendra Kumar Singh, learned counsel for the petitioners that during the pendency of the petition, petitioner nos. 2 and 3 namely, Ganga



Ram and Sarwajeet Ram have been arrested. Accordingly, the petition against them is dismissed as infructuous.

2. Now, the case relates to only petitioner no. 1, Chandrakala Devi, petitioner no. 4, Kiran Devi and petitioner no. 5, Rakesh Ram.

3. Heard Mr. Pushpendra Kumar Singh, learned counsel for the petitioners as also Mr. Ravi Prakash, learned counsel for the complainant and Mr. Jitendra Kumar Singh, learned APP.

4. The petitioners are apprehending their arrest in connection with C.R. No. 350 of 2018 for the offence under sections 341, 323, 379, and 354(B) of the I.P.C. lodged on 22.09.2018 by the complainant, Lalita Devi.

5. As per the complaint, it has been alleged that calling the complaint 'witch' (dayan), the accuseds cut her hair and also threw excreta on her. The further allegation is that on the occasion of Holi, in an inebriated stage, the accuseds entered the house and damaged the property. A panchayati took place where they refused to obey the decision which followed the complaint.

6. Learned counsel for the petitioners submit that two of them are lady and the other one, Rakesh Ram is only twenty-



two years of age and only because he belongs to the family, has been implicated. He is a student, has nothing to do with the occurrence. He submits that even now they want to apologize for the said alleged act without accepting it.

7. Further, the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioners on its own would like to contribute towards the medical assistance of Rs. 5,000/- each (totalling Rs. 15,000/-) through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the complainant after checking the credentials.

8. Learned counsel for the complainant opposes the prayer stating that even in 21st Century, called her 'dayan', abused and excreta threw on her.

9. Though the allegation is grave, there has been delay in filing the complaint, two of the petitioners are ladies, main accused petitioner nos. 2 and 3 have already been arrested, the petitioner no. 5, Rakesh Ram is a student, young boy of twenty-two years, none of them have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail subject



to payment of Rs. 5,000/- each as undertaken by the learned counsel for the petitioners.

10. Let the petitioners 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 Munsif-cum-Judicial Magistrate 1st Class, Benipatti, Madhubani, in connection with C.R. No. 350 of 2018 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 petitioners who shall provide official document to show his/her 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 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 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)

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