

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37627 of 2015

Arising Out of PS.Case No. -46 Year- 2010 Thana -FATUHA District- PATNA

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1. Kabita Devi Wife of Sunil Kumar @ Phuchu
2. Pramod Kumar Son of Ramjee Singh
3. Sunil Singh @ Sunil Prasad @ Phuchu Son of Ram Pratap Singh
4. Anil Yadav @ Anil Prasad Son of Ram Pratap Singh
5. Rama Kant Yadav @ Ramakant Prasad, Son of Late Mahgu Yadav

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Tej Narayan Singh, Advocate
For the Opposite Party/s : Mr. A.Dayal(App)
For O.P. No.2 : Mr. Narayan Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-09-2015 Heard learned counsels for the petitioners, informant
and the State.

The petitioners are apprehending arrest in a case
registered for the offences punishable under sections 363 and
365 of the Indian Penal Code.

The prosecution case is that the brother of the
informant namely Praful Kumar @ Lallo went to school on
18.05.2005 and, thereafter, he went missing.

It is submitted by learned counsel for the petitioners
that the brother of the informant namely Praful Kumar @ Lallo
married with Sarmila Devi in 2005 itself and, subsequently,

when the torture was inflicted for non-fulfillment of dowry demand then Complaint Case No.167C of 2008 was filed on 19.03.2008 wherein the processes were directed to be issued after cognizance being taken under section 498A of the Indian Penal Code against the brother of the informant and other family members and after five years of the alleged occurrence, the present case has been lodged on 03.02.2010.

It is submitted by learned counsel for the informant that on 22.05.2005 the 'Sanha' was lodged and when no action was taken then, the FIR was lodged in 2010. The informant's side filed Matrimonial Suit No. 546 of 2006 for annulment of marriage.

The delayed lodging of the case, the case lodged by the petitioners' side in 2008 prior to lodging of the present case and filing of matrimonial suit by the informant side for annulment marriage suggests that the present FIR has been lodged as reiteratory measure to the case lodged by the petitioners' side.

The aforesaid facts constitute ground for consideration of prayer for regular bail. Let the learned Court below consider the prayer for regular bail of the petitioners, if the petitioners surrender within a period of six weeks in

connection with Fatuha P.S. Case No.46 of 2010, pending before the learned ACJM, Patna City, Patna.

With the above observation, this application is, accordingly, disposed off.

(Dinesh Kumar Singh, J)

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