

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33960 of 2015

Arising Out of PS.Case No. -67 Year- 2015 Thana -DESARI District- VAISHALI (HAJIPUR)

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1. Karuna Devi, Wife of Mithlesh Singh
2. Mithilesh Singh @ Mithlesh Singh, Son of Late Binda Singh,
Both residents of village - Khoksa Bujurg, P.S. Desari, District - Vaishali
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance:

For the Petitioner/s : Smt. Anuradha Singh, Advocate.
For the Opposite Party-State: Sri Anil Kumar Singh No. 1, A.P.P.
For the Opposite Party no.2: Sri Shravan Kumar, Sr. Advocate &
Sri Dinesh Maharaj, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 24-11-2015 Heard Smt. Anuradha Singh, learned counsel for the

petitioner, Sri Shravan Kumar, learned senior counsel for the

informant and learned A.P.P. for the State.

The petitioners, namely, Karuna Devi and Mithilesh
Singh @ Mithlesh Singh, apprehend their arrest in a case under
Sections 307, 313, 498A/34 of the Indian Penal Code and Sections
3 / 4 of the Dowry Prohibition Act.

The informant earlier filed a complaint case on
17.03.2015, on the basis of which, the present F.I.R. was lodged.
The informant made allegation that she was married to Dhiraj
Kumar on 09.07.2011 but her husband and other in-laws began to
demand a four wheeler vehicle. She further alleged that on
19.07.2014 the petitioners, mother-in-law and father-in-law along

with her husband brutally assaulted causing her miscarriage. On 13.03.2015, the petitioners refused to keep the informant in their house. It is submitted that the occurrence took place on 19.07.2014 when the petitioners are alleged to have assaulted the informant but the informant did not lodge any case. She filed the complaint case only on 17.03.2015, i.e., more than eight months of the occurrence. No injury report was found as the informant was not examined by any doctor. The petitioners are mother-in-law and father-in-law of the informant.

On the other hand, Sri Shravan Kumar, learned senior counsel for the informant, opposed the prayer for anticipatory bail but could not be able to explain the delay in lodging the case.

Considering the facts that the petitioners are alleged to have assaulted the informant on 19.07.2014 causing her miscarriage but neither the informant was examined by any doctor nor any medical certificate was produced by the informant and the informant filed the complaint case only after eight months of the occurrence and the petitioners are mother-in-law and father-in-law of the informant, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged 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 Sri Ratnesh Kumar Pandey, Judicial Magistrate, 1st Class, Vaishali at Hajipur in Desari P.S. Case No. 67/2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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