

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26180 of 2016

Arising Out of PS.Case No. -99 Year- 1999 Thana -AHIAPUR District- MUZAFFARPUR

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Poonam Kumari Wife of Rakesh Kumar Resident of Mohalla- Brah PS
Brahmpur Neelkanth Chowk, Near R.L Colony, Gate, district Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Kumar Thakur, Advocate.

For the Opposite Party : Mr. Sanjay Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 29-09-2016 Heard both sides.

The petitioner apprehends her arrest in Ahiyapur P.S. Case No. 99 of 1999 registered for the offences punishable under Sections 364 and 364A of the Indian Penal Code but later on cognizance only under Section 365 of the Indian Penal Code was taken vide order dated 20.07.2010.

The informant Upendra Singh named the petitioner along with Rakesh Kumar and Lal Babu Singh that they took his son to market on some pretext, but his son is still traceless.

Shri Ajay Kumar Thakur, learned counsel for the petitioner submits that one Ahiyapur P.S. Case No. 100 of 1999 was registered under Section 498(A) of the Indian Penal Code and under Sections 3/4 of the Dowry Prohibition Act. Anamika Singh @ Lajo Singh is the informant of the aforesaid case who alleged that her marriage was

solemnized with Dhiraj Kumar on 01.02.1999, but thereafter Upendra Singh her father-in-law and other family members subjected her to different sorts of torture due to non-fulfillment of demand of dowry. It is further submitted that the police after investigation submitted final form finding the case false, as the story of kidnapping is not believed and it was found that Dhiraj Singh, himself, went to solemnize marriage with Anamika Singh @ Lajo Singh without his family members, but the learned Chief Judicial Magistrate, Muzaffarpur took cognizance under Section 365 of the Indian Penal Code on 20.07.2010. The petitioner did not receive any summon and no service report is on record.

Considering the facts aforesaid and nature of allegations made against the petitioner and the fact that the petitioner is a lady, the petitioner above named, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Muzaffarpur in Ahiyapur P.S. Case No. 99 of 1999, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J.)

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