

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35486 of 2016

Arising Out of PS.Case No. -666 Year- 2015 Thana -PATNA COMPLAINT CASE District- PATNA

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1. Renu Devi, Wife of Jitendra Choudhary
 2. Jitendra Chaudhary, Son of Sita Ram Chaudhary Both Resident of Mohalla- Gopalay Chowk Karuia Tola, P.S. Muffasil, District- Ara (Bhojpur).
 3. Dablu Kumar, Son of Late Nawbalak Choudhary, Resident of Village- Piplawan, P.S. Naubatpur, District- Patna.

..... Petitioner/s

Versus

1. The State of Bihar.
2. Rekha Devi, Wife of Bablu Choudhary, Resident of Village- Piplawan, P.S. Naubatpur, District- Patna.

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar, Advocate.

For the Opposite Party/s : Mr. Sri Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-09-2016 Petitioner no. 1 being the sister, Petitioner no. 2 being the husband of the petitioner no. 1 and Petitioner no. 3 being brother of the husband of the complainant, are apprehending their arrest in a complaint case wherein process has been directed to be issued after cognizance was taken for the offences punishable under Sections 498A and 323 of the I.P.C and ¾ of the Dowry Prohibition Act.

Accusation is of torture for non-fulfillment of dowry demands.

It is submitted by learned counsel for the petitioners that as per own admission of the complainant she was living separately with the husband. It appears from the impugned order that learned Sessions Judge has disposed of the anticipatory bail application of the petitioner in view of the ratio laid down in the case of **Salim Ansare @Md. Salim Ansare and others Vs. The State of Bihar & Another** reported in **2015 (3) PLJR, 806 (Cr. Misc. No. 51075 of 2014)** since only the summons were issued. A statement has been made in Para 16 of the petition that now warrant has been issued, which reads as follows:-

“16. That it is stated and submitted that warrant has already been issued against the petitioners”.

Considering the nature of accusation levelled against the petitioners and thrust of accusation against the husband of the complainant, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub- Divisional

Judicial Magistrate, Danapur, Patna in connection with Complaint
Case No. 666C of 2015 subject to the conditions as laid down
under Section 438(2) of the Cr.P.C

(Dinesh Kumar Singh, J)

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