

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39697 of 2016

Arising Out of PS.Case No. -228 Year- 2016 Thana -SIMRI BAKHTIARPUR District- SAHARSA

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1. Indu Devi Wife of Chhotelal Rajak
 2. Chhotelal Rajak Son of late Gulam Rajak
 3. Sagar Rajak Son of Chhotelal Rajak All Resident of Village- Samastipur, PS Bakhtiarpur, District Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar null null
2. Kanta Devi Wife of Sanjay Rajak Resident of Village- Samastipur, PS Bakhtiarpur, District Saharsa.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy, Advocate
For the Opposite Party/s : Mr. Smt Sangeeta Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-09-2016 Heard learned counsel for the petitioners and learned counsel for the State.

Petitioners being parents and brother of the husband of the informant are apprehending their arrest in a case registered for the offences punishable under Sections 341,323,498A and 307/34 of the I.P.C and ¾ of the Dowry Prohibition Act.

Accusation is of torture for non-fulfillment of dowry demand. It is specifically alleged that on 9.6.2016 the accused persons assaulted the informant and administered poison.

It is submitted by the learned counsel for the petitioners that the accusation is omnibus and general. No injury has been caused to the informant nor there is any injury report on the

record. A statement to that effect has been made in Para 9 of the petition which reads as follows:-

“9. That, there is no any injury report as because no injury was caused to the informant by any of the accused persons.”

Considering the aforesaid facts and circumstances, 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 provisional anticipatory bail for two months** on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Bakhtiarpur P.S. Case No. 228 of 2016 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioners will be confirmed by learned court below on verifying from records if it is found that informant has not received any grievous injury.

(Dinesh Kumar Singh, J)

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