

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38462 of 2016

Arising Out of PS.Case No. -462 Year- 2013 Thana -SHASTRINAGAR District- PATNA

1. Rakesh Sharma
2. Mangesh Sharma
3. Kamlesh Sharma, all are sons of Sri Ritu Sharma, all are resident of village- Bankatta Valiya, P.S.-Benipatti, District Madhubani, At Present Poincur Depot, Gymkhana Road, Sidheshwari Apartment, Room no. 502, Kandivali West, P.S. - Kandivali West, District-Mumbai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.41025 of 2016

Arising Out of PS.Case No. -462 Year- 2013 Thana -SHASTRINAGAR District- PATNA

Ritu Sharma, Son of Jiwachch Sharma, Resident of Village- Bankatta Valiya, P.S.- Benipatti, District:- Madhubani, At present Poincur Depot, Gymkhana Road, Sidheshwari Apartment, Room no. 502, Kandivali West, P.S.- Kandivali West, District:- Mumbai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.38462 of 2016)

For the Petitioner/s : Mr. Hansraj, Adv.

For the Opposite Party/s : Mr. Sri Khurshid Anwar, APP

(In Cr.Misc. No.41025 of 2016)

For the Petitioner/s : Mr. Hansraj, Adv.

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 27-09-2016 Heard learned counsels for the petitioners and the State.

The petitioners being the brothers and father of the husband of the informant are apprehending arrest in a case

registered for the offences punishable under Sections 498A, 380, 384 and 120B of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The prosecution case as per the informant is that she was married with one Mukesh Sharma on 25.04.2012 but immediately after marriage the family members started demanding further dowry. Petitioner no. 2 of Cr. Misc. No. 38462 of 2016, Mangesh Sharma alleged to have demanded ₹10,00,000/- for doing business in Mumbai and thereafter the accused persons left the informant and went to Mumbai when the parents of the informant contacted on phone then the accused persons repeated the demand of ₹10,00,000/-. Consequently, ₹2,00,000/- were given to the accused persons but the demand of remaining ₹8,00,000/- persisted. On 09.08.2013, the accused persons driven out the informant from the matrimonial house.

It is submitted by the learned counsel for the petitioners that even assuming the accusation, no offence under Sections 384 is made out against the petitioners. Thrust of accusation is against the husband of the informant who has been granted anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 38143 of 2014 on his readiness to make payment of ₹1,500/- per month to the informant.

Learned counsel for the state submits that thrust of accusation is against the husband of the informant.

Considering the nature of accusation and thrust of accusation against the husband of the informant who has been granted anticipatory bail by this Court, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned JM, 1st Class, Patna in connection with Shastri Nagar P.S. Case No. 462 of 2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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