

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42815 of 2016

Arising Out of PS.Case No. -3 Year- 2016 Thana -NTPC District- BHAGALPUR

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1. Ajay Kumar Choudhary Son of Sri Bharat Lal Choudhary @ Bharat Choudhary
2. Madhavi Choudhary wife of Sri Ajay Kumar Choudhary
3. Vibhav Vagish @ Vagish Choudhary Son of Sri Ajay Kumar Choudhary
All residents of Village Sirajpur, Police Station- Parwatta, in the district of Khagaria. Presently residing at Sonbarsa Lane, Lal Khan Dargaha Chowk, Police Station Tatarpur, in the district of Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rina Kumari daughter of Sri Dayanand Rai resident of NTPC B-35, Kahalgaon, Police Station NTPC in the district of Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma

For the Opposite Party/s : Mr. Ajay Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-09-2016 Heard learned counsels for the petitioners and the State.

The petitioners being parents and brother of the husband of the informant are apprehending arrest in a case registered for the offences punishable under Sections 498A/34 of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands. The informant has alleged that she got married on 13.6.2014 with Mayank Choudhary,

the son of petitioner nos. 1 and 2 but thereafter torture was inflicted for non-fulfillment of further dowry demands of Scorpio and rupees two lacs. It is also alleged that the accused persons not only stopped supplying food to the informant but they also made an attempt on the life of the informant by causing burn injury though no injury was caused to her. It is also alleged that the petitioner no. 1 assaulted the informant in presence of her father.

It is submitted by the learned counsel for the petitioners that the thrust of accusation is against the husband of the informant. The accusation is omnibus and general against the entire inlaws family including the petitioners. The impugned order reflects that on notice the informant appeared and she made only twofold accusation that the husband demanded dowry and when the informant conveyed this fact to petitioner nos. 1 and 2 then they supported the husband of the informant. The other accusation which was levelled by the informant before the learned court below was that when she went to Delhi, the place of work of the husband of the informant, he refused to recognize her. The petitioners claim to be separate from the husband of the informant. Statement to that effect

has been made in paragraph 6 of the petition which reads as follows:

“.....It is further stated that the petitioners are not residing in the house situated at Rajeev Gandhi Colony, Sant Nagar Barari and they have been living separately as the petitioners are residing at different mohalla that is Sonbarsa Lane, Lal Khan Dargaha Chowk, Police Station Tatarpur, in the district of Bhagalpur.”

It is submitted by learned counsel for the informant that in the FIR there is specific accusation that handsome amount was transferred before the marriage in the account of the petitioner nos. 1 and 2 and the petitioners also inflicted torture to her by making attempt to kill her and assaulted her. It is further submitted that though now the informant has come to know that the son of petitioner nos. 1 and 2 was married from before but concedes that there is no such accusation either in the FIR nor the informant levelled such accusation when she appeared before the learned court below.

Considering the thrust of accusation against the husband of the informant, 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 twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Bhagalpur in connection with Kahalgaon NTPC P.S. Case No.3 of 2016 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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