

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14285 of 2016

Arising Out of PS.Case No. -17 Year- 2016 Thana -BUDDHACOLONY District- PATNA

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Yasoda Devi, wife of Ram Murti Rai, Dujra Devi Asthan, P.O.-G.P.O, P.S.-
Budhha Colony, District-Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Priyank Deepak

For the Opposite Party/s : Mr. Ram Shankar Das(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 31-03-2016

Petitioner being mother of the husband of the

informant is apprehending her arrest in a case registered for the offences punishable under Sections 341, 323, 379, 498A of the Indian Penal Code, Section 3(1)(x) of the SC & ST(Prevention of Atrocities) Act and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfilment of dowry demand and abusing by calling caste name.

It is submitted by learned counsel for the petitioner that son of the petitioner Sunil Kumar performed love marriage with the informant Jyotsana Kumari. The petitioner belongs to backward community whereas the informant belongs to scheduled caste category. Since the love marriage was performed, hence there was no reason for demanding dowry. The petitioner claims to be separate from the husband of the informant. The present F.I.R was lodged on 20.01.2016

when the marriage was performed on 28.11.2013. Hence, it appears unreasonable that after about two years of marriage the demand of dowry was made. Prior to filing of the present case the informant has filed informatory petition before Officer-in-charge, Mahila P.S., Gandhi Maidan, Patna to the effect that husband of the informant used to torture and abuse, though it is also alleged that in-laws of the informant also used to torture her. The Mahila P.S. called the informant and her husband for reconciliation on 28.01.2016 but prior to that the present F.I.R was lodged on 20.01.2016. In the informatory petition nothing specific was alleged against the petitioner. Moreover the petitioner is old ailing lady.

Considering the aforesaid facts, let the petitioner, above named, in the event of her 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 Judicial Magistrate, 1st Class, Patna in connection with Buddha Colony P.S. Case No. 17 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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