

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13046 of 2016

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

- =====
1. Manoj Kumar @ Manoj Kumar Yadav son of Late Ram Murti Yadav @ Late Ram Murti Rai, resident of Dujra Devi Asthan, P.O.-G.P.O., P.S.-Budha Colony, District-Patna, presiding as an Advocate in the High Court of Judicature at Patna
 2. Mamta Devi, wife of Manoj Kumar Yadav, resident of Dujra Devi Asthan, P.O.-G.P.O, P.S.-Budhha Colony, District-Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Priyank Deepak

For the Opposite Party/s : Mr. Sadanand Paswan (Spl. Pp)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 18-03-2016 Petitioner No. 1 being elder brother of the husband of the informant and petitioner No. 2 being wife of petitioner No. 1 are apprehending their 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 7 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.

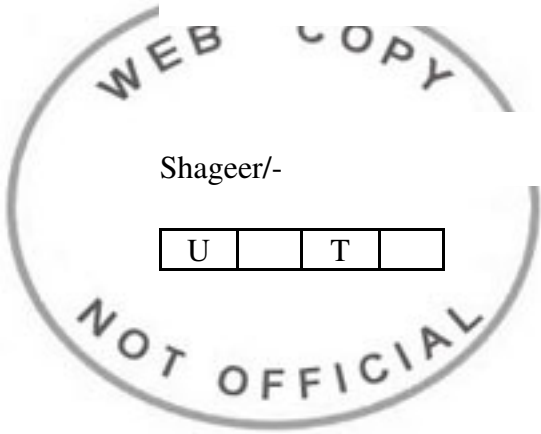
It is submitted by learned counsel for the petitioners that younger brother of petitioner No. 1 Sunil Kumar performed love marriage with the informant Jyotsana



Kumari. The petitioners belong 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 petitioners claim to be separate from the husband of the informant as petitioner No. 1 is practicing advocate of this Hon'ble Court. 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 for 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 petitioners.

Considering the aforesaid facts, 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) each 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)