

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21703 of 2016

Arising Out of PS.Case No. -23 Year- 2016 Thana -GAUNAHA District-
WESTCHAMPARAN(BETTIAH)

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1. BRIJ KISHORE PRASAD CHAUHAN @ BRIJ KISHORE CHAUHAN
S/o late Bhagwat Mahto
2. Shanti Devi W/o Brij Kishore Prasad Chauhan Both are R/o Village-
Bhitiharwa, PS Gaunaha, District West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 24-06-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the parents of the husband of the informant are apprehending arrest in a case registered for the offences punishable under Sections 498A, 354, 354B, 354D, 406 and 323 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand. It is alleged against petitioner no.1 that he made attempt to outrage the modesty of the informant.

It is submitted by learned counsel for the petitioners that the informant has admitted in the FIR that she was partitioned with the petitioners and is residing separately. The accusation of

attempting to outrage the modesty has not been supported by the witnesses during investigation. The husband of the informant has not been made party in the FIR and in the background of property dispute, the accusation has been levelled.

Learned APP, after going through the case dairy, submits that witnesses have not supported the accusation under Sections 354, 354B and 354D of the IPC, though, the witnesses have supported the accusation of torture.

Considering the aforesaid facts, let the above named petitioners be released on provisional anticipatory bail for six months, 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 J.M., 1st Class, Bettiah, West Champaran in connection with Gaunaha P.S. Case No. 23 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bonds of the petitioners shall be accepted by the learned court below on filing affidavit by the petitioners to the effect that they will not interfere in day-to-day life of the informant and allow her to enjoy her share of property in the matrimonial house. Learned court below will get the said affidavit

transmitted to the concerned police station and after getting report from the concerned police station with regard to non-interference in the day-to-day life of the informant, the provisional bail of the petitioners will be confirmed.

(Dinesh Kumar Singh, J)

Amrendra/-

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