

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.2354 of 2016**

Arising Out of PS.Case No. -276 Year- 2015 Thana -SIMRI BAKHTIARPUR District- SAHARSA

- =====
1. Raj Kumar Yadav son of Ram Bahadur Yadav
  2. Bharti devi Wife of Raj Kumar Yadav
  3. Sita Devi wife of Ram Bahadur Yadav All Resident of Village- Matkhora, P.s -Bakhtiarpur, District Saharsa.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Binod Kumar-Iii(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      15-01-2016                      Heard learned counsels for the petitioner and the State.

The petitioners, who are brother, wife and mother of husband of informant, are apprehending their arrest in a case registered for the offences punishable under Section 328, 498(A) of the Indian Penal Code and under section 3 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands and administering poison through food.

It is submitted by the learned counsel for the petitioners that main thrust of accusation is against the husband of informant and there is nothing specific on record to suggest that any poison was administered, particularly, by the petitioners. It is further

submitted that after investigation charge sheet has been submitted only under section 498(A) of the IPC and accusation of administering poison has not been found true. Statement to that effect has been made in paragraph 7 of the petition, which reads as follows:-

*“7. That the I.O after investigation has not found the case true under section 328 IPC and only submitted charge sheet under section 498A of the Indian Penal Code and ¾ of Dowry Prohibition Act against petitioners and husband vide charge sheet No. 542/2015 dated 31.08.2015.”*

Considering the aforesaid facts, 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) with two sureties of the like amount each to the satisfaction of Sri S. K. Singh, learned JM, 1<sup>st</sup> class, Saharsa in connection with Bakhtiarpur (Kanoriya) P.S. Case No. 276 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

**(Dinesh Kumar Singh, J)**

BKS/-

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