

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18295 of 2017

Arising Out of PS.Case No. -5 Year- 2016 Thana -MAHILA PS District- BUXAR

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1. Daya Shankar Mishra, S/o Late Heera Mishra,
 2. Bidyanath Devi @ Bidyanati Devi @ Bidyawati Devi, W/o Daya Shankar Mishra, Both are resident of Village- Magharia, P.S.- Marahi, District- Ballia (U.P.)
 3. Bharati Devi @ Arti Devi, W/o Indradutt Upadaya, Resident of Village- Kara, P.s.- Chitoaragawari, District- Ballia (U.P.)
 4. Kunj Devi @ Kunju Devi, W/o Anand Upadhaya, Resident of Village- Piparakala, P.S.- Narahi, District- Ballia (U.P.)
 5. Anand Upadhaya, S/o Rajendra Upadhaya, Resident of Village- Pipar Kala, P.S.- Narahi, District- Ballia (U.P.)

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta, Adv.

For the Opposite Party/s : Mr. Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 10-07-2017 Heard both sides.

The petitioners apprehend their arrest in Buxar (Mahila) P.S. Case No. 05/2016, registered for the offences punishable under Sections 307, 406, 498A and other sections of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

The informant made allegation of demand of dowry and torture against the petitioners. The petitioners are father-in-law, mother-in-law and other in-laws of the informant.



Learned counsel for the petitioners submits that this case was lodged on 25.01.2016, but the informant herself filed Divorce Case bearing no. 239/2015 in the court of Principal Judge, Family Court, Buxar on 24.11.2015, but she did not make any sorts of allegation against the petitioners. She stated that her husband is addicted to wine and he may do any untoward incident with the informant.

Considering the facts aforesaid and the fact that the informant herself filed divorce case two months prior to the lodging of this F.I.R., but she did not make any sorts of allegation against the petitioners, the petitioners above-named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Buxar in connection with Buxar (Mahila) P.S. Case No. 05/2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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