

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52235 of 2017

Arising Out of PS.Case No. -94 Year- 2017 Thana -INDUSTRIAL District- BHAGALPUR

- =====
1. Jawahar Prasad Singh, Son of Late Anirudh Prasad Singh,
 2. Pankaj Kumar @ Chhotu @ Pankaj Singh, Son of Bhola Prasad Singh,
 3. Prabha Devi, Wife of Jawahar Prasad Singh, All are resident of Village- Gurunanak Dev Colony, P.S.- Zeromile, District- Bhagalpur.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Rajive Ranjan Singh, Advocate.
For the Opposite Party : Mr. Ashok Kumar Singh 1, A.P.P.
For the Informant : Mr. Narendra Kumar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 11-12-2017 Heard learned counsel for the petitioners, learned
A.P.P. for the State and learned counsel for the opposite party no.
2.

The petitioners are apprehending their arrest in a case
for the offence registered under Sections 498(A) and 365/34 of the
IPC.

The prosecution story, in brief, is that the sister of the
informant was solemnized with Late Baljit Singh @ Banti on
06.09.2006 and from their bed lock, one male child was born and
his brother-in-law died on 21.05.2014. The victim's brother-in-law
(Bhaisur) tried to take benefit of her aloneness. She always



protested and complained the said fact with her in-laws but they ignored. It is also alleged that the victim had went out from the house but she did not return to her home.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case due to petty family dispute. The petitioner no. 1 is the father-law of the victim, petitioner no. 2 is the son-in-law of brother-in-law (Bhaisur) of the victim and petitioner no. 3 is the mother-in-law of the victim. They are separate in mess and property from the late husband of the victim. In paragraph no. 8 of the case diary, it has been mentioned that the child of the victim has been examined. He has not supported the allegation of torture against the victim. Prior to institution of the present case, the petitioner no. 1 had made an application before the concerned police station regarding missing of the victim vide Annexure-2 to the present application. The case is triable by the Magistrate. The petitioners have further relied upon the judgment of this Court in the case of Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.



On behalf of the learned counsels for the State and opposite party no. 2, it has been submitted that the petitioners are named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. XIth, Bhagalpur, in connection with Industrial Area P.S. Case No. 94 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

