

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29420 of 2017

Arising Out of P.S.Case No. -156 Year- 2016 Thana -SONBERSA District- SITAMARHI

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1. Ajay Choudhary @ Ajay Kumar Choudhary
 2. Pappu Kumar @ Pappu Choudhary @ Pappu Kumar Choudhary Both sons of Laxmi Chowdhary
 3. Laxmi Choudhary son of late Batahu Chowdhary
 4. Laxminia Devi wife of Laxmi Chowdhary All residents of village Marhiya, P.S. Sonbarsa Dist Sitamarhi.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Alok Kumar Jha, Advocate

For the Opposite Party : Mr. Awadhesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 01-07-2017 Heard.

Petitioners are in-laws of the informant related as husband's brother and parents-in-laws. It is alleged that on 01.08.2016 her husband demanded amount of Rs.5,00000/- from the informant and on expressing her inability to make payment, all the accused persons assaulted her. The accused persons fixed *dupatta* around her neck and hanged with the roof of the house. On the alarm of the informant the villagers came and saved her life. The marriage was performed for about ten months ago.

The learned counsel for the petitioners submits that these petitioners have no concern with the affairs of the informant. The



marriage of the informant was result of love affair and the informant was abducted for which the father of the informant had lodged Sonbarsa P.S.Case No.122 of 2015 under Section 363 and 366A of the IPC against the husband of the informant and these petitioners. The said case was settled and marriage was performed. The petitioner no.3 had executed a registered deed of gift with respect to 30 decimal land in favour of informant and separated them from their family. After investigation, police submitted final form against petitioner no.1 and 2. The petitioner no.1 is government employee posted at Allahabad with his family. The allegation of demand is specific against the husband and no offence under Section 498A of the IPC as well as 3 and 4 of the Dowry Prohibition Act is made out.

The learned APP opposed the submission. He referred the order of Sessions Judge passed in ABP No.749 of 2017 wherein he has referred about a ligature mark in right side of neck of the informant.

On perusal of annexures, I find that the marriage was recently performed after settlement of Sonbarsa P.S.Case No.122 of 2015 which was registered against the husband and his family members. The said case was compromised and the marriage was performed. The allegation of assault is specific against the



husband. These petitioners are in-laws and have denied any manner of concern with the affairs of the informant and her husband.

In the facts and circumstances of the case, let the above named four petitioners be released on anticipatory bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Sonbarsa P.S.Case No.156 of 2016 on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of CJM, Sitamarhi, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sanjay Kumar, J)

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