

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52975 of 2017

Arising Out of PS.Case No. -753 Year- 2012 Thana -SITAMARHI COMPLAINT CASE District-SITAMARHI

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Shiv Kumari Devi, W/O Jokhan Baitha, R/V- Bahadurpur Gamahariya
Kala, P.S. Darpa, District-East Champaran.

.... Petitioner

Versus

1. The State of Bihar.
 2. Sulekha Devi, W/O Kamlesh Kumar Baitha, D/O Late Jitendra Baitha,
At present R/O Village-Sangrampandrah, P.S. Riga, District-Sitamarhi.
- Opposite Parties
- =====

Appearance :

For the Petitioner : Mr. Ajay Kumar Singh, Advocate.

For the State : Mr. Awadhesh Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-11-2017 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the opposite party no.
2.

The petitioner is apprehending her arrest in a case for
the offence registered under Sections 323, 498(A), 504/34 of the
IPC in which cognizance has been taken under Section 498(A) of
the IPC.

The prosecution story, in brief, is that the accused
persons including the petitioner tortured the victim due to non-
fulfillment of demand of dowry.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent. There



is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to petty family dispute. The petitioner is in-laws of the victim. She is separate in mess and property from the husband of the victim. The case is triable by the Magistrate. The petitioner has 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 petitioner is named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, let the petitioner 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) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Sitamarhi, in connection with Complaint Case No. C-753/2012, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)