

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14611 of 2018

Arising Out of PS. Case No.-2 Year-2017 Thana- PAHARPUR District- East Champaran

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1. Shanti Devi, wife of Virendra Prasad @ Birendra Prasad,
2. Anar Devi, wife of Premchandra Prasad,
3. Virendra Prasad @ Birendra Prasad, son of Shiv Shankar Mahato
@ Shiv Shankar Prasad, All residents of Village- New Badharwa,
P.S.- Chakiya, District- East Champaran. Petitioner/s
Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma
For the Opposite Party/s : Mr. NAND KISHORE PD

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-03-2018 Heard learned counsel for the petitioners and learned APP for
the State.

The petitioners are apprehending their arrest in a case registered under Sections 498A, 307, 313, 326, 328 of the Indian Penal Code, $\frac{3}{4}$ of Dowry Prohibition Act and 22 and 23 of the Pregnancy (Prohibition on Selection of Gender Act, 1994) Act.

Allegation against the petitioners is of committing torture and assault upon the victim due to non-fulfilment of demand of dowry.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners are in-laws. They have falsely been implicated in the present case due to petty family dispute. There is no medical report to support the allegations for constituting offence under Sections 307 and 313 of the



Indian Penal Code. The petitioners are separate in mess and property from the husband of the victim. The petitioners have 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 State, it is submitted that the petitioners are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/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 learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Paharpur P.S. Case No. 2/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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