

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10942 of 2018

Arising Out of PS. Case No.-780 Year-2017 Thana- BETTIAH CITY District- West
Champaran

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1. Ashok Thakur, Son of Late Rajeshwar Thakur,
 2. Deepesh Thakur, Son of Ashok Thakur,
 3. Shobha Devi, Wife of Ashok Thakur, All are resident of Village-
Baswariya, Police Station- Bettiah Town, District- West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7

For the Opposite Party/s : Mr. MRITUNJAY KUMAR NIRALA

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-02-2018 Heard learned counsel for the petitioners, learned APP
for the State and learned counsel for the opposite party No. 2.

The petitioners are apprehending their arrest in a case
registered under Sections 323, 448, 498A 376, 511/34 of the
Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act.

Allegation against the petitioners is of committing
torture upon the victim due to non-fulfilment of demand of
dowry. Special allegation is on petitioner no. 1 to outrage her
modesty.

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 have falsely been implicated in the present case. Petitioner no. 1 is father-in-law, petitioner no. 2 is devar and petitioner no. 3 is the mother-in-law of the victim/informant. 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 and the counsel for the O.P. No. 2, it has been submitted that there is specific allegation against the petitioner no. 1, father-in-law of the victim, for the offence under Section 376/511 IPC.

Considering the specific allegations made against petitioner no. 1 (father-in-law of the victim), I am not inclined to grant bail to the petitioner no. 1. Prayer is rejected. Anyhow, if the petitioner no. 1 surrenders in the Court below and prays for regular bail, the same shall be considered on its own merit without being prejudiced by this order.

So far petitioner nos. 2 and 3 above named are concerned, in the event of arrest/surrender before the learned court below within a period of six weeks from today, they 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, Bettiah, West Champaran in connection with Bettiah Town P.S. Case No. 780 of 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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