

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21288 of 2018

Arising Out of PS.Case No. -22 Year- 2018 Thana -PATNA COMPLAINT CASE District- PATNA

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1. Sujanti Devi, Wife of Ram Prasidh Yadav,
 2. Ram Prasidh Yadav, S/o Late Ramswarup Yadav, Both are resident of Village- Teni Bigha, P.O. + P.S.- Jehanabad, District- Jehanabad.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Dharendra Kumar Sinha, Advocate.

For the Opposite Party : Mr. Narsingh Tanti, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-04-2018 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 498(A), 494, 323, 504, 379 of the IPC and ¾ of the D.P. Act in which cognizance has been taken under Sections 323, 498(A), 494, 376 of the IPC.

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

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 petitioners are in-laws of the victim. They are separate in mess and property from the husband of the victim. As far as offence under Section 376 IPC is concerned, there is no accusation made by the complainant in the complaint petition except for her solemn affirmation recorded by the court. No explanation has been furnished on the part of the prosecution why no allegation was made in the complaint petition in respect to offence under Section 376 IPC. Rests of the offences are 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 counsel for the State, 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 S.D.J.M. Masaurhi,



Patna, in connection with Complaint Case No. 22 (C)/2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

