

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10297 of 2018

Arising Out of PS.Case No. -287 Year- 2017 Thana -CHAUSA District- MADHEPURA

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Shushila Devi, W/o Bijay Gupta, R/o Chousa, P.S.- Chousa, District-
Madhepura.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Uday Chand Prasad, Advocate.

For the Opposite Party : Mr. Ashok Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-02-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending her arrest in a case for
the offence registered under Sections 376, 498(A), 313, 379/34 of
the IPC and ¾ of the D.P. Act.

The prosecution story, in brief, is that the accused
persons including the petitioner tortured the victim due to non-
fulfilment of demand of dowry. It is also alleged that co-accused
Saurabh Gupta, Dewar of the informant, forcibly committed rape
upon the informant and when she started putting pressure upon the
petitioner and her father-in-law to marry with Sourabh Gupta then
they assaulted her very badly and told the informant that if the
informant's parents will not give Rs. 10 Lakhs as dowry, her



marriage would not be solemnized with Sourabh Gupta. The petitioner and others also snatched gold ornaments worth Rs. 4,00,000/- from the informant and drove out the informant from her matrimonial house.

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. A specific allegation of committing rape upon her has been made against co-accused Saurabh Gupta (Dewar), by the victim, in her statement recorded under Section 164 Cr. P.C. General and omnibus allegation has been made against this petitioner. The petitioner is mother-in-law of the victim. She is separate in mess and property from the husband of the victim. 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 counsel for the State, 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 J.M. Udakishunganj, Madhepura, in connection with Chousa P.S. Case No. 287 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

