

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28750 of 2018

Arising Out of PS. Case No.-102 Year-2017 Thana- SITAMARHI District- Sitamarhi

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1. Ram Dulari Devi, Wife of late Kapileshwar Sah @ Late Kapleshwar Sah, Resident of Village- Tikauli, Police Station- Runnisaidpur, District- Sitamarhi.
 2. Kusum Kumari, Wife of Sunil Sah, Daughter of Ram Pravesh Ray.
 3. Radhika Devi, Wife of Ram Pravesh Ray Petitioner No. 2 and 3 are resident of Village- Chak Mahila, Ward No. 4, Police Station- Sitamarhi, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Menaka Devi @ Mouka Devi, Wife of Sunil Sah at present residing at C/o Mosmat Manju Devi Wife of Mahendra Sah, Resident of Village- Sumauhati, Police Station- Runnisaidpur, District- Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar
For the Opposite Party/s : Mr. Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-05-2018 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, 323, 325, 307, 379, 494, 120(B) of the Indian Penal Code and ¾ of Dowry Prohibition Act in which charge-sheet has been submitted for offence under Section 498A and 494/34 IPC.

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. Petitioner no. 1 is mother in law of the victim. Petitioner no. 2 is alleged second wife of the husband of the victim and petitioner no. 3 is the mother of petitioner no. 2. They have falsely been implicated in the present case due to petty family dispute. The case is triable by the Magistrate. 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, Sitamarhi in connection with Sitamarhi P.S. Case No. 102 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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