

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37773 of 2018

Arising Out of PS. Case No.-201 Year-2018 Thana- BANKA District- Banka

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1. Pushpa Devi, aged about 55 years, W/o- Nawal Kishore Sah (mother-in-law)
 2. Nawal Kishore Sah, aged about 59 years, S/o- Late Fuchon Sah (father-in-law)
 3. Amit Kumar, aged about 38 years, S/o- Nawal Kishor Sah (Bhaisur)
 4. Benit Kumar, aged about 24 years S/o- Nawal Kishor Sah (Dewar) All Resident of Mohalla- Shivaji Chowk, Karhariya Road, ward No. 10, P.S. & District- Banka
 5. Nitu Devi, aged about 35 years, W/o- Suman Kumar (Nanad) resident of Vill- Makhatakiya, P.S.- Naugachhiya, District- Bhagalpur
 6. Jyoti Devi, aged about 33 years, W/o- Shailendra Kumar @ Sintu (Nanad) resident of village-Tarapur, P.S.- Tarapur, Dist- Munger
 7. Ruby Devi, aged about 31 W/o- Monu Kumar (Nanad) resident of Vill- NAC Road, Khagariya, P.S. Khagariya, Dist- Khagariya
 8. Gopal Sah @ Gopal Prasad, aged about 70 years, S/o- Late Lakhan Sah(Fufuwa Sasur) resident of village- Jamalpur, P.S. Jamalpur, District- Munger.

... .. Petitioner/s

Versus

1. State of Bihar
2. Karishma Devi, aged about 20 years, D/o- Sri Sunil Prasad Sah resident of Vill- Jain Mandir Lane, Kamalanager colony, P.S. Nathnagar, Dist- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Veena Kumari Jaiswal
For the Opposite Party/s : Mr. Anuj Kumar Srivastava

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-06-2018

Heard learned counsels for the petitioners and State.

The petitioners being the parents, brothers, sisters and maternal uncle of the husband of the informant are apprehending arrest in a case registered for the offences punishable under Sections 498A and 307/34 of the IPC and



Sections 3/4 of the Dowry Prohibition Act.

The prosecution case as per the written report of Karishma Devi dated 13.03.2018, submitted to the DIG, Police, ER Bhagalpur is to the effect that the informant was married with Sumit Kumar Sah on 14.02.2017, but after the marriage, the accused persons started inflicting torture for non-fulfillment of the further dowry demand of Rs. 5 lacs cash, motorcycle and T.V. The mother-in-law and brother-in-law of the informant attempted to kill the informant by administering poison to her and by causing burn injury. Subsequently, the informant gave birth to a male child. The informant subsequently came to her parents' house. On 07.03.2018, the husband and father-in-law of the informant came to the parents' house of the informant and abused her when her husband tried to kill her by throttling.

It is submitted by learned counsel for the petitioners that the thrust of accusation is against the husband of the informant. The accusation of administering poison or causing burn injury or throttling is not supported by any medical opinion as no injury report has been bought on record, neither any specific date of occurrence has been mentioned in the FIR. Moreover, the husband of the informant is ready to keep the informant as wife with full dignity and honour and he has also filed



matrimonial suit for restitution of conjugal right. Similar was the stand of the petitioner before the learned Court below.

Learned APP submits that the petitioners are named in the FIR.

Considering the thrust of accusation against the husband of the informant and the fact that accusation of making attempt to kill the informant by administering poison or causing burn injury is not being supported by the medical opinion, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, Banka in connection with Banka P.S. Case No. 201 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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