

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40802 of 2018

Arising Out of PS. Case No.-45 Year-2017 Thana- MAHILA P.S. District- Sheikhpura

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1. Sangita Kumari, Wife of Subindra Pandey @ Subind Pandey,
 2. Subindar Pandey @ Subind Pandey, Son of Krishnandan Pandey,
Both resident of Village- Kandi, P.S.- Halsi, District- Lakhisarai.
 3. Archana Kumari @ Punam Kumari, Wife of Rajesh Kumar
Pandey, Resident of Village- Santhu, P.S. and District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Smt. Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-07-2018 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, 354, 313/34 of the Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act, but cognizance has been taken under Sections 323, 354, 498A/34 of the I.P.C. 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.

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. It is further submitted that question of maintainability of anticipatory bail with regard to under Section 41(1) of Cr.P.C. has already been decided by another Co-ordinate Bench of this Court in the case of Gauri Shankar Roy Vs. The State of Bihar, reported in 2015(3) PLJR 618. The case is triable by the Magistrate as the cognizance has been taken under Sections 323, 354, 498A/34 of the I.P.C. and $\frac{3}{4}$ of Dowry Prohibition Act. 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) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Sheikhpura in connection with Sheikhpura



Mahila P.S. case No.45 of 2017, subject to the conditions as laid
down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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