

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.57438 of 2018

Arising Out of PS.Case No. -98 Year- 2018 Thana -SUGAULI District- EASTCHAMPARAN
(MOTIHARI)

- =====
1. Bacchi Devi, W/O Late Rupnarayan Sahani.
 2. Pooja Devi, W/O Baleshwar Sahani. Both residents of Village- Dhanahi,
P.S. Sugauli, District-East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Umesh Chandra Verma, Advocate.

For the Opposite Party : Smt. Asha Devi, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-09-2018 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), 341, 323, 379,
307,504, 506/34 of the IPC and ¾ of the D.P. Act.

The prosecution story, in brief, is that the accused
persons including the petitioners tortured the victim due to non-
fulfilment of demand of dowry. The husband of the victim has
performed second marriage. When she went to her matrimonial
house again she was assaulted by mother-in-law (petitioner no. 1)
and second wife of her husband Pooja Devi (petitioner no. 2). Her
husband started pressing her neck and also snatched gold chain.
They also wanted to kill her.



It has been submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in the present case due to petty family dispute. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners are mother-in-law and so-called second wife of the husband of the victim. The informant and her family members are in habit of instituting similar cases against the petitioners and their family members. There is no medical examination report in respect of offence under Section 307 of the I.P.C. Hence, no offence under Section 307 of the I.P.C. is made out in the present case. 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 counsels 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 C.J.M., Motihari, East Champaran, in connection with Sugauli P.S. Case No. 98 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

(Sudhir Singh, J)

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