

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.74 of 2018

Arising Out of PS.Case No. -126 Year- 2017 Thana -BHAGWANPUR District- BHABHUA (KAIMUR)

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- 1. Ritesh Chourasiya, son of Shiv Prasad Chourasia @ Shiv Prasad Chourasiya.
 - 2. Pushpa Devi, Wife of Shiv Prasad Chourasia @ Shiv Prasad Chourasiya.
 - 3. Shiv Prasad Chourasia @ Shiv Prasad Chourasiya. Son of Late Hira Chourasiya, all resident of Village Jaitpur Kala, P.S. Bhagwanpur, District- Kaimur at Bhabua.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Tribhuwan Narayan, Advocate.
For the Opposite Party : Mr. Suresh Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-01-2018 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), 307 and 328/34
of the IPC.

The prosecution story, in brief, is that the accused
persons including the petitioners tortured the victim due to non-
fulfillment of demand of dowry.

It has been submitted by learned counsel for the
petitioners that the petitioners have got no criminal antecedent.



There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case due to petty family dispute. There is no injury report on the record to support the allegations made in the F.I.R. for constituting the offence under Section 307 of the I.P.C. The petitioners are in-laws of the victim. They are separate in mess and property from the husband of the victim. On earlier occasion also, the opposite party no. 2 had filed a similar complaint against the petitioners which was dismissed under Section 203 Cr. P.C. 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 counsel 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 A.C.J.M.-II, Kaimur



at Bhabua, in connection with Bhagwanpur P.S. Case No. 126 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)

