

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33184 of 2018

Arising Out of PS.Case No. -120 Year- 2018 Thana -MASAURHI District- PATNA

=====

1. Kabutari Devi @ Kaushalaya Devi, Wife of Upendra Ram,
2. Upendra Ram, Son of Balkan Ram, Both resident of Village- Saguni,
P.S.- Masaurhi, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Sri Nityanand Tiwary

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-06-2018 At the outset, it is submitted that during pendency of this
petitioner, petitioner No. 2 has already been arrested.

Accordingly, this petition in respect of petitioner No. 2 is
dismissed as infructuous.

Heard learned counsel for the petitioner No. 1, opposite party
No. 2 and learned APP for the State.

The petitioner No. 1 is apprehending her arrest in a case
registered under Sections- 498A, 312, 379, 323, 354, 504, 506/34
of the Indian Penal Code.

Allegation against the petitioner is of committing torture
upon the victim due to non-fulfillment of demand of dowry.

It has been submitted on behalf of the petitioner No. 1 that
the petitioner has got no criminal antecedent. There is no
allegation of tampering of witnesses alleged against the petitioner.



The petitioner has falsely been implicated in the present case due to petty family dispute. The case is triable by the Magistrate. All the offences are triable by the Magistrate. There is no medical examination report in respect of offence under Section-312 of the Indian Penal Code. The petitioner has 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 and O.P. No. 2, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner No. 1, 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 Sri Ranjay Kumar, learned Judicial Magistrate-Ist Class, Masauri, Patna in connection with Masaurhi P.S. Case No. 120 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

A.K.V./-

U		T	
---	--	---	--

