

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46099 of 2018

Arising Out of PS.Case No. -236 Year- 2017 Thana -SAHPUR District- BHOJPUR

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1. Shaligram Mishra, S/o Late Jagdish Mishra,
 2. Radhika Devi @ Sadhes Devi, W/o Shaligram Mishra, Both are R/o Vill.- Shahpur, P.S.- Shahpur, District- Bhojpur (Ara).

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Rajesh Kumar Mishra, Advocate.
For the State : Mr. Ajay Kumar-2, A.P.P.
For the Informant : Mr. Satish Kumar Sinha and Mr. Dharmesh Kumar Srivastava, Advocates.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-07-2018 Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the opposite party no. 2.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 498(A), 328, 307 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.

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 been made accused in the present case due to mistake of fact. The petitioners are in-laws of the victim. They are separate in mess and property from the husband of the victim. There is no medical report to support the allegations for constituting offence under Sections 307 and 328 of the I.P.C. Rests of the offences are triable by the Magistrate. The victim herself is said to have attempted to consume *Sulphas* (pesticide). 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. Other co-accused persons have been granted anticipatory bail by another Co-ordinate Bench as well as this Bench of this Court in Cr. Misc. No. 36672 of 2018 dated 28.06.2018 and Cr. Misc. No. 41898 of 2018 dated 19.07.2018.

On behalf of the learned counsels for the State and opposite party no. 2, 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.-XIV, Ara (Bhojpur), in connection with Shahpur P.S. Case No. 236 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

If so advised, either of the parties will be at liberty to make an application before the court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

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(Sudhir Singh, J)

