

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66235 of 2018

Arising Out of PS. Case No.-92 Year-2018 Thana- SONO District- Jamui

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1. Degan Paswan, Son of Late Titar Paswan.
 2. Radha Devi, W/O Degan Paswan.
 3. Manoj Paswan, Son of Degan Paswan. All Residents of Village-Teliyadah (Batiya), P.S. Sono, Distt.-Jamui.
 4. Ramdulari Devi, D/o of Dhodho Hazara, Resident of Village-Bandha, P.S. Chandramandih, Distt.-Jamui.
 5. Janardan Hajra, son of Durga Hajhra, Resident of Village-Hariraidih, Police Station Bhelwaghali, Distt.-Giridih (Jharkhand).

... .. Petitioners

Versus

1. The State of Bihar.
2. Kanchan Devi, Wife of Gultain Paswan, Resident of Village-Teliyadah (Batiya), Police Station Sono, Distt.-Jamui.

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr. Pankaj Kumar Sinha, Advocate.
For the State	:	Mr. Anish Chandra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-12-2018 Learned counsel for the petitioners is permitted to make necessary corrections in paragraph no. 1 of the bail application, in course of the day.

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 341, 323, 379,307, 498(A), 494/34 of the IPC and $\frac{3}{4}$ 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 is further alleged that the husband of the victim has performed second marriage with petitioner no. 4 Ramdulari Devi. Accused persons wanted to kill her by pressing neck. They sprinkled acid on her cloth and snatched all her ornaments.

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. The petitioner no. 1 is father-in-law of the victim, petitioner no. 2 is mother-in-law of the victim, petitioner no. 3 is brother-in-law (Dewar) of the victim, petitioner no. 4 is second wife of husband of the victim and petitioner no. 5 is relative of husband of the victim. They are separate in mess and property from the husband of the victim. 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 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.- Ist, Jamui, in connection with Sono P.S. Case No. 92 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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