

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1501 of 2018

Arising Out of PS.Case No. -190 Year- 2017 Thana -KOILWAR District- BHOJPUR

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1. Dhan Muni Devi, D/o Deva Nand Nonia @ Sheonandan Nonia, W/o Dinesh Chaudhary.
 2. Lallu Noniya, S/o Deva Nand Nonia @ Sheonandan Nonia, Both 1 & 2 are residence of Village:- Kulhariya, P.S.- Koilwar, Dist.- Bhojpur.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Gopal Govind Mishra, Advocate.
For the Opposite Party : Mr. S.M. Rahman, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 23-04-2018 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 341, 323, 506, 307/34. Later on Sections 498(A) of the IPC and 3/4 of the D.P. Act were also added.

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



petitioner 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 the sister-in-law (*Nanad*) and petitioner no. 2 is the brother-in-law (*Bhaisur*) of the victim. They are separate in mess and property from the husband of the victim. Nature of injury is simple. Hence, no offence under Section 307 of the IPC is made out against the petitioners. Rests of the offences are triable by the Magistrate. The petitioners has 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 C.J.M. Ara, in



connection with Koilwar P.S. Case No. 190 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)

