

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22364 of 2018

Arising Out of PS. Case No.-19 Year-2017 Thana- MAHILA P.S. District- Siwan

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1. Bimla Devi, W/o Dayanand Sharma,
 2. Munna Sharma @ Munna Kumar Sharma, S/o Dayanand Sharma,
Both are R/o Vill.- Pakwalia, P.S.- Husainganj In the District of Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Priyanka Devi W/o Munna Sharma, R/o Vill.- Pakwalia, P.S.- Husainganj,
District- Siwan.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Anand
For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 10-05-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections 498A and 376(D) of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

Allegation against the petitioners is of committing torture and upon the victim due to non-fulfilment of demand of dowry. Further allegation of outraging the modesty of the victim and commission of rape have also been levelled against the accused persons.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners



are mother-in-law and husband respectively of the victim. They have falsely been implicated in the present case due to petty family dispute. As far as offence under Section 376(D) IPC is concerned, the same is superficial in nature. Nothing specific has been alleged against the petitioners. Rest of the offences are triable by the Magistrate. The petitioners have 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, it is submitted that the petitioners are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, 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) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Siwan in connection with Mahila P.S. Case No. 19/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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