

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.64469 of 2018

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1. Nagina Thakur @ Nagina Sharma, Son of Late Nathuni Sharma,
 2. Gita Devi, Wife of Nagina Thakur @ Nagina Sharma,
 3. Suman Kumari, Daughter of Nagina Sharma, All residents of Village-
Fenhara Khadtari, P.S.- Chiraiya, District- East Champaran.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Umesh Chandra Verma, Advocate.

For the Opposite Party : Mr. Satyadev Prasad Singh Yadav, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-10-2018 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 498(A), 341, 342, 323,
354(B), 313, 504, 506/34 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. Accused persons also assaulted
the victim and tried to burn after pouring Kerosene Oil and
aborted her pregnancy after giving medicine. Lastly, they ousted
her from her *Sasural*.

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 petitioners are in-laws 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 313 of the I.P.C. Hence, no offence under Section 313 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 C.J.M. East



Champanan at Motihari, in connection with Mahila P.S. Case No. 32 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

