

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23321 of 2018

Arising Out of PS.Case No. -824 Year- 2017 Thana -BIHTA District- PATNA

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Basanti Devi, W/o Sant Prasad Singh, R/o Vill.-Mahaddichak, P.S.-Bihta,
Dist.-Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rajesh Kumar, Advocate.

For the Opposite Party : Mr. Dr. Ajeet Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-04-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending her arrest in a case for
the offence registered under Sections 341, 323, 307, 313,
498(A)/34 of the IPC and ¾ of the D.P. Act.

The prosecution story, in brief, is that the accused
persons including the petitioner tortured the victim due to non-
fulfilment of demand of dowry.

It has been submitted by learned counsel for the
petitioner that the petitioner has falsely been implicated in the
present case due to petty family dispute. There is no allegation of
tampering with the witnesses alleged against the petitioner. There
is no medical examination report in support of allegation made in



respect to offence under Sections 307 and 313 of the IPC. Hence, no offence under Sections 307 and 313 IPC is made out in the present case. Rests of the offences are triable by the Magistrate. On earlier occasion also, the victim and her family members had instituted a case for similar offence against the petitioner and his family members. The petitioner is mother-in-law of the victim. She is separate in mess and property from the husband of the victim. The petitioner 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 petitioner is named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, let the petitioner 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) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. Danapur, in connection with Bihta P.S. Case No. 824 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)

