

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36672 of 2018

Arising Out of PS. Case No.-236 Year-2017 Thana- SAHPUR District- Bhojpur

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1. Nitu Devi @ Netu Devi, W/o Shri Ashutosh Mishra, R/o Vill.- Karnamepur, P.S.- Shahpur, District- Bhojpur (Ara).
 2. Asha Devi W/o Shri Manoj Upadhyay, R/o Vill.- Goshaipur, P.S.- Buxar (M), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Mishra, Adv,

For the Opposite Party/s : Sri Satyavarat Verma, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 28-06-2018 Heard learned Counsels for the petitioners, informant and learned APP for the State.

The petitioners, being the married sisters of the husband of the informant, are apprehending arrest in a case registered for the offences punishable under Sections 498A, 328, 307 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case got initiated on the Fardbeyan of Kiran Devi, recorded by ASI Md. Moazzam Ali, Jakkanpur Police Station on 12.09.2017 at 22.48 P.M. to the effect that Kiran Devi was married with co-accused Ankit Mishra in the month of December, 2016, but, subsequently, torture was inflicted for non-fulfillment of dowry demand. On 12.09.2017, six accused persons, including the petitioners forcefully



administered Sulphas tablet to the informant and, when the informant regained consciousness, she found herself in an hospital.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general. There is nothing on record to suggest any resisting injury, to show that Sulphas was forcibly administered to the victim. Rather, she herself had consumed the Sulphas. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned counsel for the informant that there is specific accusation against the petitioners that they administered Sulphas tablet to the informant.

Considering the fact that the accusation of administering Sulphas is omnibus and general against six accused persons, petitioners are ladies and the impugned order which has been passed after going into the injury report as well as the case diary, does not suggest that any resisting injury was found on the person of the informant, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten



thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM, XIV, Ara, Bhojpur in connection with Shahpur P.S. Case No.236 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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