

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49424 of 2018

Arising Out of PS. Case No.-18 Year-2018 Thana- MAHILA P.S. District- Muzaffarpur

1. Puspa Devi wife of Manoj Choudhary,
2. Manoj Choudhary, S/o Lakshman Choudhary, petitioner no. 1 and 2 are resident of Village- Ratanpur, P.S. Shiwapatti, District Muzaffarpur.
3. Yamuna Devi @ Jamuna Devi, wife of Deep Vijay Narayan.
4. Deep Vijay Narayan @ Deep Vijay Narayan Prasad son of Satya Narayan Prasad petitioner no. 3 and 4 are resident of Village- Parsaul, P.S. Katra, District Muzaffarpur.
5. Usha Devi wife of Jag Jivan Sah, resident of Village- Raghi, P.S. Jale, District- Darbhanga.
6. Sita Devi wife of Bhola Choudhary,
7. Bhola Choudhary S/o Late Jagarnath Choudhary petitioner no. 6 and 7 are resident of Mohalla- Shankar Bag Gali Pankaj Market, P.S. Nagar, District Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kr Singh No.1
For the Opposite Party/s : Mr. Sri Tapeswar Sharma

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-08-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections 323, 313, 498A, 34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

Allegation against the petitioners is of committing torture and assault upon the victim due to non-fulfilment of demand of dowry.

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 in-laws. They have falsely been implicated in the present case due to petty family dispute. There is no medical report to support the allegations for constituting offence under Section 313 of the Indian Penal Code. 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 Sub-Judge-VII-cum- A.C.J.M., Muzaffarpur in connection with Mahila P.S. Case No. 18 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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