

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49810 of 2018

Arising Out of PS. Case No.-22 Year-2018 Thana- MAHILA P.S. District- Banka

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1. Arbind Yadav, S/o Ras Yadav,
 2. Rita Devi, Wife of Arbind Yadav, Both resident of Village- Hirmoti, P.O.- Kakwara, Police Station- Banka, District- Banka.

... .. Petitioner/s

Versus

State Of Bihar & Anr

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Sri Madan Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-08-2018 Counsel for the petitioners seeks permission to withdraw
the application in so far as petitioner no. 1 is concerned.

Permission is accorded.

The application is dismissed as withdrawn with respect to
petitioner no. 1.

Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner no. 2 is apprehending her arrest in a case
registered under Sections 498A/34 of the Indian Penal Code and ¾ of
Dowry Prohibition Act.

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

It has been submitted on behalf of the petitioner that the
petitioner no. 2 has got no criminal antecedent. There is no allegation



of tampering of witnesses alleged against the petitioner no. 2. The petitioner no. 2 is in-law of the victim. She has falsely been implicated in the present case due to petty family dispute. The case is triable by the Magistrate. The petitioner has 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 petitioner no. 2 is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner no. 2, 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) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Banka in connection with Banka Mahila P.S. Case No. 22/18, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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