

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32631 of 2019

Arising Out of PS. Case No.-59 Year-2018 Thana- MAHILA PS District- East Champaran

1. Ramji Prasad Son of Late Bharos Mahto Resident of Village- Athmohan Konhava Tola, Vishunpur, P.S. Jharokhar, District- East Champaran.
2. Kulpati Devi Wife of Ramji Prasad Resident of Village- Athmohan Konhava Tola, Vishunpur, P.S. Jharokhar, District- East Champaran.
3. Prabhu Prasad @ Prabhu Prasad Kushwaha Son of Ramji Prasad Resident of Village- Athmohan Konhava Tola, Vishunpur, P.S. Jharokhar, District- East Champaran.
4. Raja Prasad @ Rajive Prasad @ Rajive Kumar Son of Ramji Prasad Resident of Village- Athmohan Konhava Tola, Vishunpur, P.S. Jharokhar, District- East Champaran.
5. Abhay Prasad @ Abhay Kumar Son of Prabhu Prasad @ Prabhu Prasad Kushwaha Resident of Village- Athmohan Konhava Tola, Vishunpur, P.S. Jharokhar, District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh
For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 16-05-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered under Sections 341, 323, 324, 307, 379, 494, 498(A) and 504/34 of the Indian Penal Code.

Petitioner no.1 who happens to be father-in-law, petitioner no.2 mother-in-law and petitioner nos. 3 and 4 brother-in-law of the victim and petitioner no.5 nephew of the husband of the victim along with other accused persons are



said to have subjected the victim to various sorts of torture over dowry demand. Husband of the victim is said to have performed second marriage and on the order of petitioner no.2, husband of the victim inflicted injuries to her by means of fasuli while second wife of her husband assaulted on her abdomen by means of leg resultantly her genital organ was bleeding.

It is submitted by learned counsel for the petitioners that the petitioners happen to be in-laws of the victim. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. They neither made any dowry demand nor subjected the victim to any sort of torture. Though petitioner no.2 is said to be order giver and on the said order husband of the victim is said to have assaulted the victim by means of fasuli, but no injury report has been brought on record by the prosecution and medical prescription of Primary Health Centre, Ghorasahan does not indicate any sort of injury sustained by the victim. Petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below



within a period of six 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 S.D.J.M., Sikrahanat at Dhaka, East Champaran in connection with Mahila (Motihari) P.S. Case No. 59 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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