

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59768 of 2018

Arising Out of PS. Case No.-127 Year-2018 Thana- BAKHARI District- Begusarai

1. Anita Devi, W/o Kishore Yadav,
2. Kishore Yadav S/o Late Parmanand Yadav
Both R/o Vill.- Satghatta, P.S.- Alouli, District- Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandan Kumar Kashyap

For the Opposite Party/s : Mr.Sri Anuj Kumar Srivastava

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 25-03-2019 In compliance to the order dated 28.02.2019,

Mahendra Kumar, Dy.S.P. (Traffic), Begusarai is present.

The case diary has been received in this Court on 27.02.2019 but the case diary has been recorded till 19.12.2018. The show cause has been filed on behalf of S.P., Begusarai which is duly sworn by Dy.S.P. It appears that the case diary does not contain the injury report. Though, it appears that the Station House Officer, Bakhari Police Station submitted his report on 09.03.2019 to the S.P. Begusarai to the effect that there is no injury found on the person of the informant, hence, there is no injury report available on record which reflects the callous manner in which the investigation is being carried out. The injury report was called for vide order dated 25.09.2018 when



the I.O. reported this fact after several reminders by this Court. The S.P. came to know that there is no injury report available on 09.03.2019.

It is expected from the S.P., Begusarai to take needful action against the erring police officer who conducted the investigation in such a callous manner. It is also expected to always send such responsible officer to this Court who is conversant with the state of affairs of the case.

Let a copy of this order be transmitted to the S.P., Begusarai for information and needful.

In the circumstances, the personal appearance of Dy.S.P. (Traffic) is dispensed with.

Though, the case is listed under the heading 'For Orders (On Office Notes)', but with the consent of the parties the matter is being taken up for hearing on merits.

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

The petitioners, being the brother's wife and brother of the husband of the informant are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 498A, 307/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.



The prosecution case, as per the written report of Ranjan Devi submitted to the Station House Officer of Bakhari Police Station, is to the effect that the informant was married with Anil Yadav about 12-13 years prior to the lodging of the case, but subsequent to the marriage, there was further dowry demand of Rs. One lakh, a T.V. and one pair of she buffalo and for non-fulfillment of the same, the torture was inflicted. On the assurance of the husband of the informant, the informant went to her in-laws' house and thereafter, again the torture was inflicted.

It is submitted by learned counsel for the petitioners that the thrust of accusation is against the husband of the informant. The petitioners claim to be separate from the husband of the informant. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR.

Considering the show cause filed on behalf of S.P., Begusarai which suggests that the specific averment has been made that no injury has been found on the person of the informant, hence, there is no injury report on record, statement



to that effect has been made in paragraph 9 of the show cause, which reads as follows:-

“That the S.H.O., Bakhari submitted his report on 09.03.2019 in the S.P. office Begusarai in view of the letter no. 120/V.O. dated 25.02.2019 vide memo no. 104/19 dated 08.03.2019. The S.H.O. in his report stated that in course of investigation of this case and supervision thereof no injury was found on the body of the informant, hence no injury report was issued by the previous investigating officer namely Shyam Babu Ram, Assistant Sub Inspector of Police.”

Considering the fact that the accusation not being corroborated by any medical opinion and a statement being made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Bakhri P.S. Case No.



127 of 2018, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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