

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77163 of 2018

Arising Out of PS. Case No.-175 Year-2018 Thana- RAJAPAKAR District- Vaishali

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1. Shyam Kishore Mishra @ Shekhar Mishra, Son of Late Chedi Mishra,
 2. Usha Devi, Wife of Shyam Kishore Mishra @ Shekhar Mishra.
 3. Navprabhat Mishra @ Mantu Mishra @ Ghantu Mishra, Son of Shyam Kishore Mishra @ Shekhar Mishra Resident of Village-Malpur, Police Station- Tajpur (O.P. Halae), District- Samastipur.
 4. Navkiran Singh @ Bablee, Wife of Jitendra Singh,
 5. Jitendra Singh, Son of Shailendra Singh, Resident of Village Mehus, Police Station- Mehus, District- Shekhpura.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Khushubu Kumari, Wife of Navjot Mishra, Resident of Village- Malpur, Police Station- Tajpur (O.P. Halae), District- Samastipur.
At present Smt. Khushubu Kumari Daughter of Braj Kishore Thakur, Resident of Village- Ajamatpur, P.S.- Rajapakar, Distt.- Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh
For the Opposite Party/s : Mr.Sri Vinod Shankar Modi

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-01-2019 Since initially it is submitted that petitioner no.1, Shyam Kishore Mishra @ Shekhar Mishra has been arrested, hence, this application so far as it relates to petitioner no.1 stands dismissed as having infructuous.

So far as defect/s as pointed out by the office with regard to father's name and address of accused no.6 at page 13 of the application is concerned, let it be ignored.

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



Petitioner nos. 2 to 5, being the mother, brother, sister and brother-in-law of the husband of the complainant are apprehending arrest in a case registered for the offences punishable under Sections 498A, 406 and 120B of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

Initially, the prosecution case got initiated with filing of Complaint Case No. 2313 of 2018, which came to be registered as police case, being Rajapakar P.S Case No.175 of 2018, after its being transferred, to the police for investigation, under Section 156(3) of the Code of Criminal Procedure.

The prosecution case is that the informant/complainant was married with Navjot Mishra on 18.02.2018, but subsequently, further dowry demand of Rupees Ten Lac and a car was made and for non-fulfillment of the same, torture was inflicted upon the informant.

It is submitted by learned counsel for the petitioners that the petitioners claim to be separate from the husband of the complainant. The accusation is omnibus and general against the the petitioners. It is further submitted that the thrust of accusation is against the husband of the complainant. 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 APP for the State that the accusation has been levelled in the complaint petition against all the accused persons, including the petitioners.

Considering the thrust of accusation against the husband of the complainant, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let petitioner nos. 2 to 5 above named 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 CJM, Vaishali, Hajipur in connection with Rajapakar P.S. Case No.175 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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