

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.271 of 2020

Arising Out of PS. Case No.-253 Year-2019 Thana- JOGBANI District- Araria

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1. SHOBHIYA DEVI Wife of Shiv Kumar Sah Resident of Beside Hanuman Mandir, Dakshin Maheshwari, Ward no.18 Jogbani, Haripur, P.S-Jogbani, District-Araria.
 2. Shiv Kumar Sah Son of Rameshwar Sah Resident of Beside Hanuman Mandir, Dakshin Maheshwari, Ward no.18 Jogbani, Haripur, P.S-Jogbani, District-Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anita Devi Wife of Sunil Kumar Sah Resident of Jogbani, Ward no.18, P.S-Jogbani, District-Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh
For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

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

The petitioners are apprehending their arrest in a case registered under Sections 341,, 323, 307, 504, 498(A)/34 of the Indian Penal Code.

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 petitioner no. 1 is Mother-in-law and petitioner no. 2 is father-in-law of the victim. They have falsely been implicated in the present case due to petty family dispute. The injury report does not indicate the nature of injury as grievous or simple. Hence, it cannot be ascertained that an offence under Section 307 IPC is made out. 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 facts and circumstances of the case and also the lockdown, the petitioners above named, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of learned Chief



Judicial Magistrate, Araria in connection with Jogbani P.S. Case
No. 253/2019, G.R. No. 3265/2019, subject to the conditions
as laid down under Section 438(2) of the Cr.P.C.

Once the normalcy is restored, the petitioners shall
furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) each
with two sureties of the like amount each within a period of
seven weeks to the satisfaction of the Court concerned in
connection with the aforesaid case.

(Sudhir Singh, J)

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