

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23977 of 2020

Arising Out of PS. Case No.-201 Year-2019 Thana- ISUAPUR District- Saran

1. GURIYA DEVI Wife of Shailendra Mahto Resident of Village - Ramnagar, P.S.- Chapra Muffasil, Distt.- Saran.
2. Lalti Devi Wife of Lalu Mahto Resident of Village - Ramnagar, P.S.- Chapra Muffasil, Distt.- Saran.
3. Lalu Mahto Son of Late Sundar Mahto Resident of Village - Ramnagar, P.S.- Chapra Muffasil, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh
For the Opposite Party/s : Mr.Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 15-10-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and Shri Ashok Kumar, the learned A.P.P. appearing for the State.

The petitioners apprehend their arrest in connection with Isuapur P.S. Case No. 201 of 2019 for the offence punishable under Sections 323, 307, 398(a) of the Indian Penal Code and Sections 3/4 of D.P. Act.

The allegation is regarding the accused persons



including the petitioners herein having tortured the victim lady on account of non-fulfillment of demand for dowry and the petitioners are alleged to have assaulted and abused the victim lady.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having clean antecedent. It is further submitted that the petitioners no. 2 and 3 are the mother-in-law and father-in-law of the victim lady and as far as the petitioner no.1 is concerned, she is elder sister-in-law of the victim lady. It is further submitted that no injury has been sustained by the victim lady inasmuch since there is no injury report on the record, which further goes to prove the fact that the petitioners have not assaulted the victim lady and the entire story has been cooked up. It is further submitted that if any person might be having complicity in the matter, it is the husband of the victim lady.

The learned A.P.P. appearing for the State has vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the fact that the



petitioners are other than the husband of the victim lady as also considering the fact that it has been categorically submitted that no injury has been sustained by the victim lady, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail, however subject to verification by the learned court below as to whether there is any injury report available in the case diary or not and as to whether the victim lady has sustained injuries or not.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioners, above named, are directed to be released on anticipatory bail on furnishing bail-bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned C.J.M., Saran, Chapra in connection with Isuapur P.S. Case No. 201 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P.C. as also subject to verification being made by the learned court below regarding injury having been sustained by the victim lady or not.

(Mohit Kumar Shah, J)

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