

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27 of 2020

Arising Out of PS. Case No.-119 Year-2019 Thana- THAWE District- Gopalganj

1. Mamta Devi, aged about 36 years, Female, W/o Vinod Kumar Choubey, R/o village- Pyarepur, P.S.- Thawe, District- Gopalganj.
2. Nita Devi, aged about 48 years, Female, D/o Narad Choubey, R/o village- Pyarepur, P.S.- Thawe, District- Gopalganj, presently at wife of Govind Pandey, R/o village- Rewtith, P.O.- Dighwa Dubauli, P.S.- Bainkunthpur, District- Gopalganj.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Sanjay Kumar Pandey No.5, Advocate.
For the Opposite Party : Mr.Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 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 counsels for the petitioners, informant and learned counsel for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 341, 323,498(A)/34 of the IPC and 3/4 of the D.P. Act.

The prosecution story, in brief, is that the accused persons including the petitioners tortured the victim due to non-fulfilment of demand of dowry.



It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. The petitioners have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioner no.1 is the sister-in-law (*Gotani*) and petitioner no. 2 is the married *Nanad* of the informant. They are separate in mess and property from the husband of the informant. The case is triable by the Magistrate. The petitioners have further 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) P.L.J.R. 182.

On behalf of the State and the informant, it is submitted that the petitioners are named in the F.I.R/ Complaint Case.

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 bond to the satisfaction of learned C.J.M., Gopalganj, in connection with Thawe P.S. Case No. 119 of 2019 (G.R. No. 2276 of 2019), subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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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