

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15065 of 2021

Arising Out of PS. Case No.-349 Year-2019 Thana- GOPALPUR District- Bhagalpur

1. USHA DEVI Wife of Ramesh Bhagat Resident of Village - Babutola Kamlakund (Fakartakiya), P.S.- Gopalpur, District - Bhagalpur
2. Pankaj Bhagat Son of Late Dina Bhagat Resident of Village - Babutola Kamlakund (Fakartakiya), P.S.- Gopalpur, District - Bhagalpur
3. Radha Devi Wife of Pankaj Bhagat Resident of Village - Babutola Kamlakund (Fakartakiya), P.S.- Gopalpur, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-07-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

The petitioners are apprehending their arrest in a case registered under Section 498A read with Section 34 of the Indian Penal Code.

Allegation against the petitioners is of committing torture 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 petitioners have falsely been implicated in the present case. The case is triable by the Magistrate. The petitioner No.1 is mother-in-law, petitioner No.2 is cousin brother-in-law and petitioner No.3 is wife of cousin brother-in-law of the victim. 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 twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned S.D.J.M., Naugachia, District Bhagalpur in connection with Gopalpur P.S. case No.349 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 will furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

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