

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15763 of 2021

Arising Out of PS. Case No.-393 Year-2020 Thana- SIKARPUR District- West Champaran

1. CHANDRAWATI DEVI W/O LAKSHMAN DEV PRASAD Resident of Village - Budhwa Champapur, Ward No.12, P.S.- Shikarpur, Distt.- West Champaran.
2. Arjun Prasad Son of Lakshan Dev Prasad Resident of Village - Budhwa Champapur, Ward No.12, P.S.- Shikarpur, Distt.- West Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rekha Devi W/o Arjun Prasad Resident of Village - Budhwa Champapur, Ward No.12, P.S.- Shikarpur, Distt.- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Arbind Kumar Singh
For the Opposite Party No. 2	:	Mr. Sanjeev Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 06-09-2021 Heard learned counsel for the petitioners and the State through virtual mode.

The petitioners are apprehending their arrest in Shikarpur P.S. Case No. 393 of 2020 registered under Sections 323, 341, 307, 354, 498A, 504, 34 of the Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act.

Allegation against the petitioners is of committing torture upon the victim due to non-fulfillment 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 due to petty family dispute. The petitioner No. 1 is mother-in-law whereas petitioner No. 2 is husband of the complainant/informant. The nature of injury is said to be simple. No offence u/S 307 of the Indian Penal Code 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 aforesaid facts and circumstances of the case, let the petitioners, above named, in the event of arrest/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 Chief Judicial Magistrate, Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 393 of 2020, 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) 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.

If so advised, either of the parties will be at liberty to make an application before the Court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

(Sudhir Singh, J)

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