

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26707 of 2021

Arising Out of PS. Case No.-809 Year-2020 Thana- SUPAUL District- Supaul

1. Gopal Jha @ Gopal Kumar Jha Son Of Mahakant Jha R/O Village- Arraha, P.S.- Karjain, District- Supaul.
2. Rashmi Jha @ Rashmi Devi Wife Of Gopal Jha @ Gopal Kumar Jha R/O Village- Arraha, P.S.- Karjain, District- Supaul.
3. Rahul Jha @ Rahul Kumar Jha Son Of Gopal Jha @ Gopal Kumar Jha R/O Village- Arraha, P.S.- Karjain, District- Supaul.
4. Mithilesh Choudhary Son Of Late Jagendra Choudhary R/O Village- Malhad, Ward No.14, P.S. And District- Supaul.
5. Mohar Devi Wife Of Mithilesh Choudhary R/O Village- Malhad, Ward No.14, P.S. And District- Supaul.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Shailendra Kumar Singh
For the Opposite Party/s	:	Mr.Akbar Ali, APP
For the Informant	:	Mr.Nafisuzoha,

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-07-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Learned counsel for the petitioners is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks after restoration of normalcy.

The petitioners are apprehending their arrest in a case
registered under Section 341, 323, 326, 307, 498(A), 34 of the
Indian Penal Code and 3/10 of Dowry Prohibition Act.

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 due to petty family dispute. There is no medical report in respect of offence under Section 307 IPC. Rest of the offences are triable by the Magistrate. The petitioner no. 1 is brother-in-law, petitioner no. 2 is married sister-in-law, petitioner no. 3 is nephew, petitioner no. 4 is father-in-law and petitioner no. 5 is mother-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 aforesaid facts and circumstances and also the lockdown, 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 bonds to the satisfaction of learned Chief



Judicial Magistrate, Supaul in connection with Supaul P.S. Case No. 809/2020, 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) each 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)

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