

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26206 of 2021

Arising Out of PS. Case No.-6 Year-2015 Thana- MAHILA PS District- Gopalganj

1. SWAMINATH RAM S/o Banarasi Ram Resident of Village- Patharawa, P.S.- Taraya Sujan, Dist- Kushinagar (U.P.)
2. Chankali Devi W/o Swaminath Ram Resident of Village- Patharawa, P.S.- Taraya Sujan, Dist- Kushinagar (U.P.)
3. Rajendra Prasad S/o Swaminath Ram Resident of Village- Patharawa, P.S.- Taraya Sujan, Dist- Kushinagar (U.P.)
4. Suresh Prasad Son of Late Nageshar Ram Resident of Village- Ojhwalia, Gopalpur, P.S.- Taraya Sujan, Dist- Kushinagar (U.P.)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amaresh Kumar Jha

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-07-2021 Heard learned counsel for the petitioners and the State through virtual mode.

Learned counsel for the petitioners is directed to remove the defect(s), 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 Sections 498A, 376, 504/34 of the Indian Penal Code.

Allegation against the petitioners is of committing torture upon the victim due to non-fulfillment of demand of dowry.



There is allegation against the petitioner No. 1 of committing rape with the complainant/informant.

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 Nos. 1, 2, 3 & 4 are father-in-law, mother-in-law, brother-in-law and cousin brother-in-law of the victim respectively. A petition has been filed by the complainant/informant in the court below wherein the complainant/informant has retracted from her earlier statement made in the FIR. The said petition is Annexure-2 to the present application.

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 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 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.

(Sudhir Singh, J)

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