

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26801 of 2021

Arising Out of PS. Case No.-303 Year-2020 Thana- UJIYARPUR District- Samastipur

1. FULESHWARI DEVI W/O SHIVNATH SAHANI R/O VILLAGE JITWARPUR, BHUSKARA, P.S. TAJPUR (HALNI), DISTRICT SAMASTIPUR
2. DUKHI DEVI @ DUKHANI DEVI W/O KANT LAL KAPAR R/O VILLAGE JITWARPUR, BHUSKARA, P.S. TAJPUR (HALNI), DISTRICT SAMASTIPUR
3. PREM KAPAR @ PREM KUMAR S/O KANT LAL KAPAR R/O VILLAGE JITWARPUR, BHUSKARA, P.S. TAJPUR (HALNI), DISTRICT SAMASTIPUR
4. RAJ KUMARI @ RAJ KUMARI DEVI D/O DINESH KAPAR @ PARTI KAPAR R/O VILLAGE JITWARPUR, BHUSKARA, P.S. TAJPUR (HALNI), DISTRICT SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh
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.

Supplementary affidavit is filed on behalf of the petitioners. The same be kept on record.

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 147, 149, 395/326A/326B, 328, 307,



323, 494, 498A, 504, 506 of the Indian Penal Code and Sections 8, 10, 12, 14, 16/18 of the POCSO Act.

Prosecution case in short is that the complainant/informant having known that her husband Munna Sahni has married another lady, went to her Sasural with her minor daughter and other family members. It is further alleged that on reaching her Sasural, the complainant/informant was surrounded and threatened of dire consequences by accused persons. It is also alleged that the accused persons started committing obscenity with her, her clothes were torn. Further it is alleged that the accused started pouring poison into complainant's/informant's mouth.

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 of the victim. So far petitioner Nos. 2, 3 & 4 are concerned; they are said to be relative of husband of the victim. After investigation, the police found the case true under Sections 341, 323, 379, 498A, 494/34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act. The police report



submitted by investigation officer is Annexure-2 to the supplementary affidavit.

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 to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO Act, Samastipur in connection with Ujiarpur P.S. Case No. 303 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.

(Sudhir Singh, J)

A.K.V.//-

U		T	
---	--	---	--

