

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36158 of 2021

Arising Out of PS. Case No.-2478 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. KESHA DEVI Wife of Awadhesh Mishra Resident of Village - Gandaman, P.S. - Masrakh, District - Chapra.
 2. Awadhesh Mishra Son of Late Inderman Mishra Resident of Village - Gandaman, P.S. - Masrakh, District - Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanju Kumari Wife of Abhishek Kumar Daughter of Late Rajeshwar Mishra Resident of District Board office Campus, Beli sarai, P.S. - Motihari Town, District - East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava, Advocate
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-08-2021 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 connection with Trial No.2275 of 2019 arising out of Complaint case No.2478 of 2018 registered under Sections 341, 352, 323, 324, 354(b)(c), 313, 376/511, 498A, 406, 307, 379, 34 of the Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act, but



cognizance has been taken under Section 498A of I.P.C. and $\frac{3}{4}$ 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. Cognizance has been taken under Sections 498A of I.P.C. and $\frac{3}{4}$ of Dowry Prohibition Act. The case is triable by the Magistrate. The petitioner No.1 is mother-in-law and petitioner No.2 is father-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. Sadar, Motihari, East Champaran in connection with Trial No.2275 of 2019 arising out of Complaint case No.2478 of 2018, 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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