

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29623 of 2021

Arising Out of PS. Case No.-46 Year-2020 Thana- MAHILA P.S. District- Kaimur (Bhabua)

1. AJAY KUMAR Son of Late Shobhanath Ram Resident of Village- Shakari, P.S.- Kudara, District- Kaimur.
2. Bansanti Devi Wife of Ajay Kumar Resident of Village- Shakari, P.S.- Kudara, District- Kaimur.
3. Kamlesh Kumar Son of Late Shobhanath Ram Resident of Village- Shakari, P.S.- Kudara, District- Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pratibha Kumari Wife of Bijendra Kumar, Daughter of Late Bangali Ram At present residing at Bhabhua Ward No. 13, Bhabua.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Giridhar Gopal Tiwary

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-07-2021 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 341, 323, 379, 498A, 34 of the Indian Penal Code and 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 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 & 3 are brothers-in-law whereas; petitioner No. 2 is sister-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 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 Chief Judicial Magistrate, Kaimur at Bhabua in connection with Mahila P.S. Bhabhua Case No. 46 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)

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