

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32701 of 2021

Arising Out of PS. Case No.-125 Year-2020 Thana- MAHILA P.S. District- Patna

1. AWADESH KUMAR RAI @ AWADESH KUMAR Son of Dharam Nath Resident of Village - Chirand, P.S.- Doriganj, Distt- Saran (Chapra).
2. Geeta Devi W/o Awadesh Kumar Resident of Village - Chirand, P.S.- Doriganj, Distt- Saran (Chapra).
3. Anjali Kumari D/o Awadhesh Kumar Resident of Village - Chirand, P.S.- Doriganj, Distt- Saran (Chapra).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary
For the Opposite Party/s : Mrs. Renu Kumari, 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.

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 Sections 498A, 323, 341, 34 of the Indian Penal Code and $\frac{3}{4}$ 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. On the earlier occasion also, the victim and her family members have instituted case for similar offence against the petitioners and his family members. The petitioners have falsely been implicated in the present case due to petty family dispute. The petitioner no. 1 is father-in-law, petitioner no. 2 is mother-in-law, petitioner no. 3 is sister-in-law, of the victim. There is a divorce case pending between the parties. The case is triable by the Magistrate. 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 bond to the satisfaction of Judicial Magistrate, 1st Class, Patna in connection with Mahila Thana (Patna) P.S. Case No. 125 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) 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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