

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34272 of 2020

Arising Out of PS. Case No.-99 Year-2019 Thana- PURUSHOTTAMPUR District- West
Champaran

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1. Urmila Devi, (Female), aged about 62 years, Wife of Shambhu Prasad Barnwal, Resident of Village- Laxmipur, P.S.- Purshottampur, District- West Champaran.
 2. Sunil Kumar Barnwal @ Santu, (Male), aged about 40 years, S/o Shambhu Prasad Barnwal, Resident of Village-Laxmipur, P.S.-Purshottampur, District- West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Arjun Prasad, Advocate.
For the Opposite Party : Mr. Pranav Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-03-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 498(A), 406, 354, 504 and 506/34 of the I.P.C.

The prosecution story, in brief, is that on 25.11.2004, the informant was married with one Sushil Kumar. Her father gave Rs. 5,00,000/- cash and other ornaments at the time of



marriage. All F.I.R. named accused persons started demanding more dowry and physically harassed her. Co-accused Vivek Goyal always used to tease her and make pressure upon her to establish physical relationship with him. On 21.03.2008, she gave birth to a female child and the accused persons killed her child. On 20.10.2018, all accused persons assaulted her and ousted from the house.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The petitioner no. 1 is the mother-in-law and petitioner no. 2 is the brother-in-law (*Bhaisur*) of the victim. They are separate in mess and property from the husband of the victim. They have got no criminal antecedent. The case is triable by the Magistrate. The petitioners have further 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 learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of



the case, the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah (West Champaran), in connection with Purshottampur P.S. Case No. 99/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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