

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48148 of 2021

Arising Out of PS. Case No.-5 Year-2019 Thana- MAHILA P.S. District- Bhagalpur

1. RAMAN JHA S/O LATE VISHAMBHAR JHA Permanent R/o village- Andipatti, Post- Shivipatti, P.S.- Rajnagar, District- Madhubani, Bihar, Presently R/o- C-14/8, Gali No. 8, Babarpur, Kabir Nagar, Badarpur Khadar, P.S.- Welcome, District- North East, Delhi- 110094
2. RAKHI @ RAKHI DEVI W/O SRI DILIP JHA Permanent R/o village- Andipatti, Post- Shivipatti, P.S.- Rajnagar, District- Madhubani, Bihar, Presently R/o- C-14/8, Gali No. 8, Babarpur, Kabir Nagar, Badarpur Khadar, P.S.- Welcome, District- North East, Delhi- 110094

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Jha

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-10-2021 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.

The petitioners are apprehending their arrest in a case registered under Sections 498(A), 313, 341, 323, 504, 506 read with section 34 of the Indian Penal Code.

Allegation against the petitioners is of committing torture and assault 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 due to petty family dispute. The petitioner no. 1 is father-in-law and petitioner no. 2 is sister-in-law (gotni) of the victim. As far as offence under section 313 IPC is concerned, there is no medical examination report in support of allegation made in the F.I.R. Rest of the offences are 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 F.I.R.

Considering the aforesaid facts and circumstances, let 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 furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Bhagalpur in connection with Bhagalpur Mahila P.S. Case No.



5 of 2019, G.R. Case No. 123 of 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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