

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3494 of 2021

Arising Out of PS. Case No.-220 Year-2019 Thana- RAGHUNATHPUR District- Siwan

1. SHIMLAWATI DEVI W/o Late Omprakash Dubey Resident of Village - Panjawar, P.O.- Panjawar, P.s.- Raghunathpur, Distt.- Siwan.
2. Aditya Dubey Golu Dubey Son of Late Omprakash Dubey Resident of Village - Panjawar, P.O.- Panjawar, P.s.- Raghunathpur, Distt.- Siwan.
3. Manikant dubey Son of Late Omprakash Dubey Resident of Village - Panjawar, P.O.- Panjawar, P.s.- Raghunathpur, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Dubey, Advocate
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-03-2021 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.

Counsel for the petitioners seeks permission to withdraw the present application on behalf of petitioner No.2, as the petitioner No.2 has been taken into judicial custody.

Permission is accorded.

The application filed on behalf of petitioner No.2 is dismissed as withdrawn.



The petitioners No.1 and 3 are apprehending their arrest in a case registered under Sections 498A, 354, 313/34 of the Indian Penal Code.

Allegation against the accused persons including the petitioners No.1 and 3 is of committing torture upon the victim due to non-fulfilment of demand of dowry.

It has been submitted on behalf of the petitioners No.1 and 3 that the petitioners No.1 and 3 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners No.1 and 3. The petitioners No.1 and 3 have falsely been implicated in the present case. The petitioner No.1 is the mother-in-law of the victim and petitioner No.3 is the brother-in-law of the victim. There is no substantive evidence to support the allegations in respect of offence under Section 313 of I.P.C. The Sections are triable by the Magistrate except Section 313 of I.P.C. The petitioners No.1 and 3 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 No.1 and 3 are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the



petitioners No.1 and 3, above named, in the event of arrest/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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Raghunathpur P.S. case No.220 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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