

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3090 of 2021

Arising Out of PS. Case No.-177 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. Manju Devi @ Ranju Devi, Female, aged about 48 years, Wife Of Sudhir Mahto, Resident Of Village-Chilmil, P.S.- Mufassil , Distt- Begusarai.
 2. Sudhir Mahto, Male, aged about 54 years, Son Of Biltu Mahto, Resident Of Village-Chilmil, P.S.- Mufassil , Distt- Begusarai.

... .. Petitioners

Versus

1. The State Of Bihar.
2. Priyanka Kumari, aged about 23 years, Wife Of Kundan Kumar @ Kundan Mahto, Resident Of Village-Sankh Labtolia, Ward No.18, P.S. Mufassil, Distt- Begusarai.

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr. Arvind Kumar, Advocate.
For the State	:	Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-07-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioners and learned A.P.P. for the State through Virtual mode.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 498(A), 504, 341, 323, 500, 506, 365/34 of the I.P.C. and $\frac{3}{4}$ of the D. P. Act.

The prosecution story, in brief, is that the accused persons including the petitioners tortured the victim due to non-fulfilment of demand of dowry.

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 father-in-law of the victim. The case is triable by the Magistrate. It has further been pointed out by learned counsel for the petitioners that the petitioners have been given the benefit under Section 41(1) of Cr.P.C. The petitioners have further relied upon the case of Gauri Shankar Rai Vs. The State of Bihar, reported in 2015(3)PLJR, 618. As far as the allegation of abduction of child is concerned, the same is incorrect as the child in question is residing with the father. On the earlier occasion also, a case was instituted for the offence under Section 498(A) and other allied sections of the I.P.C. by the informant side. The said prosecution was dropped due to lack of evidence. The informant side is in habit of instituting such nature of cases for mala fide reason against the petitioners and their family members. 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/
complaint case.

Considering the aforesaid facts and circumstances of
the case, let 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 the learned C.J.M.
Begusarai, in connection with Begusarai Mufassil P.S. Case No.
177/2020, 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) only
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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