

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18782 of 2022

Arising Out of PS. Case No.-46 Year-2021 Thana- KOILWAR District- Bhojpur

-
1. KUSUMJHARI DEVI W/o Shiv avatar Ram @ Shiv Avatar Paswan Resident of Village - Dumariya, P.S.- Koilwar, Distt.- Bhojpur.
 2. Chandni Kumari @ Chandni Devi D/o Shiv Avatar Ram @ Shiv Avtar Paswan Resident of Village - Dumariya, P.S.- Koilwar, Distt.- Bhojpur.
 3. Chandan Kumar Son of Shiv Avatar Ram @ Shiv Avatar Paswan Resident of Village - Dumariya, P.S.- Koilwar, Distt.- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Renu Devi W/o Mahadeo Paswan Resident of Village - Dumariya, P.S.- Koilwar, Distt.- Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-05-2022 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 defect(s), as pointed out by the Office, within a period of four weeks.

The petitioners are apprehending their arrest in a case registered under Sections 341, 323, 307, 328, 498(A), 34 of the of the Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act.

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. Petitioner no. 1 is mother-in-law, petitioner no. 2 is sister-in-law and petitioner no. 3 is brother-in-law, of the victim. There is no medical evidence to support the allegations under Sections 307 and 328 IPC in the present case. Except for Sections 307 and 328 IPC, rest of the offences are triable by 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, 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 Chief Judicial



Magistrate, Bhojpur at Ara in connection with Koilwar (Gidha O.P.) P.S. Case No. 46 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The petitioners are directed to co-operate during the trial. If the petitioners do not co-operate during the trial, the Court below will be at liberty to cancel the bail bonds of the petitioners.

If so advised, either of the parties will be at liberty to make an application before the Court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

(Sudhir Singh, J)

Pankaj/-

U		T	
---	--	---	--

