

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67917 of 2021

Arising Out of PS. Case No.-16 Year-2021 Thana- MEHANDIA District- Jehanabad

1. SUSHANT YADAV @ BRAJESH YADAV Son of Shiv Prasad Yadav Resident of Village - Bhikhanpur, P.S.- Mehandia, District - Arwal.
2. Aditya Yadav @ Aditya Kumar Yadav Son of Shiv Prasad Yadav Resident of Village - Bhikhanpur, P.S.- Mehandia, District - Arwal.
3. Manorama Devi Wife of Shiv Prasad Yadav Resident of Village - Bhikhanpur, P.S.- Mehandia, District - Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate
For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-04-2022 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.

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

Allegation against the petitioners is of committing torture upon the victim due to non-fulfilment of demand of dowry.



It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The petitioner Nos.1 and 2 are brothers-in-law and petitioner No.3 is mother-in-law of the victim. There is no allegation of assault alleged against the petitioners. Hence no offence under Section 307 of I.P.C. is attracted against the petitioners. Except for offence under Section 307 of I.P.C, 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 complaint case/F.I.R.

Considering the 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 twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Arwal in connection with Mehandia P.S. case No.16/2021, 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. In case, any such application is made by either of the parties, the court below shall refer the matter to the District Mediation Centre.

(Sudhir Singh, J)

Narendra/-

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