

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29080 of 2023

Arising Out of PS. Case No.-33 Year-2020 Thana- MAHILA P.S. District- Saharsa

Sima Kumari, Daughter Of Sikandar Yadav, R/O Village-Amritgadh, Ward No 2, P.S-Saharsa, District-Saharsa.

... .. Petitioner

Versus

1. The State of Bihar.
2. Bina Kumari @ Bina Devi, Wife Of Sudhir Kumar Sah, Resident Of Village- Birauli Bazar, Ward No. 13, P.S.- Rupauli, P.O.- Ajokopa, Distt-Purnea.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Syed Masleh Uddin Ashraf, Advocate
For the O.P. No. 2	:	Mr. Amarnath Jha, Advocate
For the State	:	Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned A.P.P. for the State.

The petitioner is apprehending her arrest in a case for the offence registered under Sections 341, 323, 494, 498(A), 379, 504, 506/34 of the I.P.C. and $\frac{3}{4}$ of the D.P. Act.

Allegation against the in-laws of the victim is of committing torture upon the victim due to non-fulfilment of demand of dowry. The allegation against the petitioner is of catching the hairs of the victim and telling her husband to either take her out of the house or kill her by giving poison.

It has been submitted by learned counsel for the



petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to petty family dispute. The petitioner is the second wife of the husband of the victim. The case is triable by the Magistrate. The petitioner has 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 counsels for the State and the opposite party no. 2, it has been submitted that the petitioner is named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, let the petitioner, 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 court below/concerned court, in connection with Saharsa Mahila P.S. Case No. 33 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The petitioner is directed to co-operate during the



trial. If the petitioner does not co-operate during the trial, the court below will be at liberty to cancel the bail bonds of the petitioner.

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)

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