

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35449 of 2023

Arising Out of PS. Case No.-384 Year-2022 Thana- DIGHA District- Patna

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1. Sushma Devi, Wife of Sri Mukesh Kumar, Resident of village - Dighwa Dubauli, Bidya Nagar, P.S .- Baikunthpur, Distt. - Gopalganj.
 2. Pummi Devi, Wife of Sunil Kumar, Resident of village - Dighwa Dubauli, Bidya Nagar, P.S .- Baikunthpur, Distt. - Gopalganj.
 3. Mukesh Kumar, Son of Sri Awadh Bihari Sah, Resident of village - Dighwa Dubauli, Bidya Nagar, P.S .- Baikunthpur, Distt. - Gopalganj.
 4. Sunil Kumar, Son of Sri Awadh Bihari Sah, Resident of village - Dighwa Dubauli, Bidya Nagar, P.S .- Baikunthpur, Distt. - Gopalganj.

... .. Petitioners

Versus

1. The State of Bihar.
2. Shipra Kumari, D/o Om Prakash, Wife of Durgesh Kumar Deep @ Durgesh Deep, Presently residing at Balu Par, Kurji, P.S. - Digha, Distt. - Patna.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Rakesh Kumar Sharma, Advocate.
For the State	:	Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in a case
for the offence registered under Sections 341, 323, 498(A), 504,
506 and 509/34 of the I.P.C.

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

It has been submitted by learned counsel for the



petitioners that the petitioners have falsely been implicated in the present case due to petty family dispute. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioner nos. 1 and 2 are the sisters-in-law (Gotanies) and petitioner nos. 3 and 4 are the brothers-in-law (Bhaisurs) of the victim. On the earlier occasion also, two cases for the similar offences have been filed by the opposite party no. 2 and her mother. The case is triable by the Magistrate. 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, 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 furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned court below/concerned court, in connection with Digha P.S.



Case No. 384 of 2022, 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 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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