
(2012) 09 JH CK 0105

Jharkhand High Court

Case No: A.B.A. No. 2362 of 2012

Brahmdeo Pandey and Others

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision: Sept. 12, 2012

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 438(2)

Hon'ble Judges: Dhruv Narayan Upadhyay, J

Bench: Single Bench

Advocate: Arwind Kumar, for the Appellant;

Judgement

D.N. Upadhyay

1. It is alleged in the complaint that Shanti Devi was subjected to torture and treated with cruelty by the petitioners and her husband for want of more dowry. It is submitted that the complainant has lodged a case vide C.R. No. 545 of 2009 in the court of A.C.J.M., Durgapur with the same allegation but she did not adduce evidence as a result the accused persons were acquitted. Now again she has filed this case with the same allegation.

2. Learned Counsel for the State has opposed the prayer.

3. Submissions advanced by the learned Counsel finds support from Annexure-2 to this application. Considering the aforesaid aspect of the matter, the petitioners are directed to surrender before the court below within three weeks from today and if they do so they will be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of Sri A.K. Tiwari, Judicial Magistrate, 1st Class, Giridih in connection with Complaint Case No. 847 of 2011 subject to the conditions as laid down u/s 438(2) of the Code of Criminal Procedure.