

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 47310 of 2014

Arising Out of PS.Case No. -14 Year- 2013 Thana -HARIJAN District- PATNA

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1. Malti Devi Wife of Bhola Rai
2. Bhola Rai Son of Jaga Rai
3. Bhuwar Rai @ Jitendra Rai Son of Jaga Rai
4. Upendra Rai Son of Bhola Rai
All resident of village - Hawaspur, P.S. Sahpur, District - Patna.
..... Petitioner/s

Versus

The State of Bihar.
..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 23-04-2015 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners apprehend arrest in Danapur
SC/ST Minority P.S. Case No. 14 of 2013 dated 11.11.2013
instituted under Sections 120B/323/504/506/363/366A/
420/313 of the Indian Penal Code; 3 (1) (x) (xii) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the 'Act') and 4
of the Dowry Prohibition Act.

Learned counsel for the petitioners submits
that they are the agnates of main accused Nagendra Rai @
Narendra, who is said to have kidnapped the daughter of the
informant for the purpose of marriage and thereafter demand
of dowry was made and she was also tortured. Learned counsel



submits that only because they are agnates they have been implicated with mala fide intention and in fact the informant had filed Complaint Case No. 736 (C) of 2013 on 26.06.2013 for the occurrence of 18.06.2013 whereafter withdrawal petition was filed on 04.07.2013. Learned counsel submits that thereafter again Complaint Case No. 1211(C) of 2013 filed on 24.09.2013 from which it is obvious that the informant is somehow trying to implicate all family members even though it is a case of love affair between Nagendra Rai @ Narendra and the daughter of the informant, which was not approved by the informant and his family members. Learned counsel further submits that none of the sections under the Act are made out against the petitioners and has also produced copy of order dated 08.01.2015 passed by a co-ordinate Bench in Cr. Misc. No. 583 of 2015, by which the father, mother and brother of the main accused Nagendra Rai @ Narendra have been granted anticipatory bail. It is submitted that the petitioners having no criminal antecedent and there is delay in lodging of the second complaint after withdrawal of the first complaint for the same occurrence which is only to harass them.

Learned A.P.P. opposes the prayer for anticipatory bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within

six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge (Special Judge SC/ST/Act), Patna in Danapur SC/ST Minority P.S. Case No. 14 of 2013, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J.)

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