

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13961 of 2016

Arising Out of PS.Case No. -420 Year- 2015 Thana -BUXAR COMPLAINT CASE District-
BUXAR

- =====
1. Tileshwar Sharma son of Late Mehi Sharma
 2. Lala Sharma son of Tileshwar Sharma Both residents of Village- Joba, Police Station- Krishna Braham, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sushma Devi @ Sapna Devi, W/o Niranjana Sharma, resident of Village- Sowa, P.S. Krishna Braham, Distt- Buxar, P/O Arjun Sharma, R/o Village- Naya Bhojpur, P.S. Dumraon, District- Buxar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Harun Quareshi
For the Opposite Party/s : Mr. Anita Kumari Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 12-04-2016 Petitioners being father and brother of the husband of the complainant are apprehending their arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and 4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfilment of dowry demand.

It appears from the impugned order that initially the petitioners along with the husband of the complainant were granted provisional anticipatory bail for a period of one month by learned Sessions Judge vide order dated 07.01.2016 passed in A.B.P. No. 1199 of 2015 on the

undertaking of the husband of the complainant to keep her with full dignity and honour but subsequently on the way of her matrimonial house with the accused including the petitioners the complainant was thrown from the running vehicle, as a result of which she received several injuries. Hence, vide order dated 06.02.2016, learned Sessions Judge rejected the anticipatory bail of the petitioners.

It is submitted by learned counsel for the petitioners that in pursuance to the order dated 07.01.2016 whereby the petitioners were granted provisional anticipatory bail, the petitioners surrendered and executed their bail bonds.

In the circumstance, the anticipatory bail application of the petitioners is not maintainable. Let learned Court below consider the prayer for regular bail of the petitioners in view of the ratio laid down in the case of **Mahendra Prasad Singh versus The State of Bihar reported in 2004(3) PLJR 491.**

With the observations above, the application stands disposed of.

(Dinesh Kumar Singh, J)

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