

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27929 of 2016

Arising Out of PS.Case No. -2410 Year- 2015 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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1. Md. Azim @ Azim Mian son of late Sadique Mian
 2. Sabrun Nesha Wife of Md. Azim @ Azim Mian
 3. Konain Mian @ Konain Son of Md. Azim @ Azim Mian
 4. Imran Mian @ Md. Imran Son of Md. Azim @ Azim Mian
 5. Noorain Mian @ Noorain Son of Md. Azim @ Azim Mian
- All are residents of Village- Basant Tola Ward No.1 Bettiah, Police Station- Bettiah Town (Kalibag O.P.) District- West Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Shahnara Khatoon wife of Md. Murtuza daughter of Asharaf Mian All are residents of Village- Basant Tola Ward No.1 Bettiah, Police Station- Bettiah Town (Kalibag O.P.) District- West Champaran at Present Resident of Village-Sansaraiya Police Station- Bettiah Muffasil, District-West Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra
For the Opposite Party/s : Mr. Sri Abhay Kumar Roy

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-07-2016 Heard learned counsels for the petitioner and the State.

The petitioners being the parents and brothers of the husband of the complainant are apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 323 and 504 of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioners that

the thrust of accusation is against the husband of the complainant and the accusation against the petitioners is omnibus and general.

It appears that the learned Sessions Judge disposed of the anticipatory bail application of the petitioner in view of the ratio laid down in the case of **Salim Ansare @ Md. Salim Ansare and Others Vs. The State of Bihar & Another** reported in **2015 (3) PLJR, 806 (Cr. Misc. No. 51075 of 2014)** since only the summons were issued.

In the circumstances, let the learned court below consider the prayer for regular bail of the petitioners in view of the abovementioned ratio if they surrender within a period of six weeks in connection with complaint Case No. 2410C of 2015 pending in the court of learned Judicial Magistrate cum Addl. Chief Judicial Magistrate-6th, Bettiah, West Champaran.

It is expected from the learned court below to dispose of the regular bail application of the petitioners preferably on the same day.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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