

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52811 of 2017

Arising Out of PS.Case No. -597 Year- 2016 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

- =====
1. Mantoriya Devi wife of Vinod Sah.
 2. Sunil Sah son of Vinod Sah. Both residents of Village - Balwa, P.S. - Madhwapur, District - Madhubani.

.... Petitioners

Versus

1. The State of Bihar.
2. Juhi Devi wife of Anil Sah, D/o Shyam Sah At present resident of Village - Kot Bazar, Ward No. 13, Near - Chulhai Sah Dharamshala, Police Station and District - Sitamarhi.

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Rana Sanjay Kumar Singh, Advocate.
For the State : Smt Pushpa Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-11-2017 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 323, 307, 498(A), 379, 504/34 of the IPC and ¾ of the D. P. Act in which cognizance has been taken under Section 498(A) of the IPC.

The prosecution story, in brief, is that the accused persons including the petitioners tortured the victim due to non-fulfillment of demand of dowry.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent.



There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case due to petty family dispute. It is further submitted that in the present case, cognizance has been taken under Section 498(A) and other allied Sections of the I.P.C. The petitioners are in-laws of the victim. They are separate in mess and property from the husband of the victim. 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 six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Sitamarhi, in connection with Complaint Case No. 597 of 2016 (Reg. No. 1597 of 2016), subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

