

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27684 of 2017

Arising Out of PS.Case No. -48 Year- 2004 Thana -MAHNAR District- VAISHALI(HAJIPUR)

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1. Ramishwar Mahto S/o Budhu Mahto
2. Sita Devi @ Sabita Devi W/o Rameshwar Mahto
3. Usha Devi W/o Mithu Mahto
4. Mithu Mahto S/o Rameshwar Mahto
5. Nawal Mahto S/o Rameshwar Mahto All R/o Village - Jawadih, P.S. - Kudhni, Turki O.P., District - Muzaffarpur.

.... Petitioners

Versus

1. The State of Bihar.
2. Sunita Devi D/o Jamun Mahto R/o Village - Lodipur Fatiknara, P.S. - Mahnar, District - Vaishali.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Rina Sinha

For the Opposite Party/s : Mr. Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-07-2017 Heard learned counsel for the petitioners, learned counsel for the informant and learned counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in connection with Mahnar P.S. Case No. 48 of 2004 for the offences instituted under Sections 498A of the Indian Penal Code and 3/4 of D.P. Act.

The allegation against the petitioners is of committing torture upon the victim due to non-fulfillment of the demand of dowry.

It has been submitted on behalf of the petitioners that



the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The petitioner no.1 is father-in-law of the victim, petitioner no.2 is mother-in-law of the victim, petitioner no.3 is sister-in-law of the victim, petitioner no.4 is brother-in-law of the victim and petitioner no.5 is husband of the victim. Due to petty family dispute, the present case has been instituted against the petitioners. 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 State and the counsel for the informant, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named be released on anticipatory bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Mahnar P.S. Case No. 48 of 2004 on furnishing bail bonds of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Vaishali at Hajipur,



subject to the conditions as laid down under Section 438(2) of the
Code of Criminal Procedure.

(Sudhir Singh, J)

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