

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33022 of 2017

Arising Out of PS.Case No. -53 Year- 2016 Thana -PATNA COMPLAINT CASE District- PATNA

- =====
1. Chandeshwar Prasad @ Chandeshwar Prasad Kushwaha, S/o Late Rajai Prasad Mahto, R/o village-Puraina Gosai, P.S. Chanpatiya, District-West Champaran
 2. Gita Devi, wife of Jagdish Mahto, R/o village-Mulla, P.S. Choutarba, District-West Champaran

.... Petitioners

Versus

1. State of Bihar
2. Asha Devi @ Asha Kumari D/o Shiv Dayal Verma W/o Anaged Kumar Kushwaha, at present resident of Mohalla-Amari Adarsh colony N.S.C.H. Road, Agamkuan, P.O. Sukarbesh, P.S. Alamganj, Dist.-Patna

.... Opposite Parties

=====

Appearance :

For the Petitioner/s : Mr. Abhay Kumar

For the Opposite Party/s : Mr. Rajkishore Singh

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-07-2017 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in connection with Complaint Case No.53(C) of 2016 for the offences instituted under Sections 498(A) of the Indian Penal Code and 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 case is triable by the Magistrate. The petitioner no.1 is Bhaisur of the complainant and the petitioner no.2 is Nanad of the complainant. They are separate in mess and property from the husband of the complainant. The petitioners have further relied upon the judgment of this court, in the case of ***Md. Naimul Haque Ansari Vs. The State of Bihar, reported in 2006(3) PLJR 182.***

On behalf of the State, it has been submitted that the petitioners are named in the Complaint.

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 Complaint Case No.53(C) of 2016 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., Patna City, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Amit/-

U		T	
---	--	---	--

