

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41701 of 2017

Arising Out of PS.Case No. -92 Year- 2017 Thana -BARAULI District- GOPALGANJ

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1.SUBHAM DUBEY @ SUBHAM KUMAR DUBEY son of Subhash Dubey

2. Seema Devi wife of Subhash Dubey

3. Subhash Dubey @ Subash Dubey, son of Late Pujan Dubey, all are residents of village Bara Bareya, P.S. Barauli, District-Gopalganj

.... Petitioners

Versus

1.State of Bihar

2.Shilpi Devi Wife of Subham Dubey, daughter of Upendra Tiwari, resident of village Bara Bareya, P.S. Barauli, District-Gopalganj, at present residing at ward no. 22, Rajendra Nagar, P.S. & District-Gopalganj

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar

For the Opposite Party/s : Mr. Iftekhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-09-2017 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 Barauli P.S. Case No. 92 of 2017 for the offence instituted under Sections 498A, 341, 323,406, 504/34 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 case is triable by the Magistrate. Due to petty family dispute, the present case has been instituted against the petitioners. 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 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 Barauli P.S. Case No. 92 of 2017 on furnishing bail bonds of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XIV, Gopalganj, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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