

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.61191 of 2017

Arising Out of PS.Case No. -137 Year- 2017 Thana -MAJHAULIA District-
WESTCHAMPARAN(BETTIAH)

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1. Nesar Ahmad @ Nesar Akhtar, S/o Master Amruddin @ Md. Ameruddin,
 2. Master Amruddin @ Md. Ameruddin S/o Late Aziz Mian,
 3. Shabina Khatoon @ Ladli Khatoon W/o Nesar Ahmad @ Nesar Akhtar,
 4. Zohra Khatoon W/o Master Amruddin @ Md. Ameruddin, All R/o Mohalla- Hanuman Gadi, P.S.- Motihari Town, District- East Champaran, At present R/o Village- Bariyariya, P.S.- Sangrampur, Distt.- East Champaran.
 5. Asgari Khatoon @ Asghari Khatoon D/o Master Amruddin @ Md. Ameruddin, W/o Nazir Hussain, R/o Mohalla- Hanuman Gadi, P.S.- Motihari Town, District- East Champaran.

.... Petitioners

Versus

1. The State of Bihar.
2. Swraj Alam S/o md. Habib,
3. Anjum Ara W/o Neyaj Ahmad, D/o Md. Habib, Both R/o Village- Jaukatiya, Churihar Tola, P.S.- Majhauria, Dist.- West Champaran.

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Sanjeev Kumar, Advocate.

For the State : Mr. Jitendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-12-2017 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 341, 323, 498(A), 307/34
of the IPC and ¾ of the D.P. Act.

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. The petitioners are in-laws of the victim. They are separate in mess and property from the husband of the victim. The case has been instituted after 25 days of the alleged occurrence. Delay has not been explained by the prosecution. 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 C.J.M. West



Champan at Bettiah, in connection with Majhauriya P.S. Case
No. 137 of 2017, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

