

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25120 of 2017

Arising Out of PS.Case No. -112 Year- 2016 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

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1. Md. Samsad Son of Md. Edris.
2. Md. Edris Son of Md. Esmael. Both residents of Village- Laxminiya,
Police Station- Alamnagar, District- Madhepura.

.... Petitioners

Versus

1. The State of Bihar.
2. Afsana Khatoon, Wife of Md. Samsad, Daughter of Md. Makhvul,
resident of Village- Laminiya, Police Station- Alamnagar, District-
Madhepura.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Durgesh Kumar

For the Opposite Party/s : Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 12-10-2017 Heard learned counsel for the petitioners, learned
counsel for the Opposite Party No.2 and learned counsel appearing
on behalf of the State.

The petitioners are apprehending their arrest for the
offence instituted under Sections 498(A) and 323 of the Indian
Penal Code.

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 petitioner no.1 is husband and petitioner no.2 is father-in-law of the victim. They 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 counsel for the Opposite Party No.2, it has been submitted that the petitioners are named in the Complaint case.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Complaint Case No.112 of 2016 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Udakishunganj, Madhepura, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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