

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41259 of 2017

Arising Out of PS.Case No. -1424 Year- 2016 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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1. Asharfi Sah S/o Late Hari Nandan Sah
2. Kaushaliya Devi w/o Asharfi Sah, both are resident of village Fasiya,
P.O. Sinkar, P.S. Kanti, District Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Usha Kuamri w/o Gudu Kumar D/o Ram Swarath Mahto, at
present residing at village Punaure Dham tola Janki Nagar Punsura O.P.
P.S. Sitamarhi, District Sitamarhi

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Uday Kumar, Advocate
For the State : Mr. Bisheshwar Ram, APP
For Opposite Party No.2 : Mr. Avinash, Advocate
: Mr. Anuj Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-08-2017 Heard learned counsel for the petitioners, learned

APP for the State and learned Counsel for the Opposite Party

No.2.

The petitioners are apprehending their arrest in a case
registered under Section 498A/34 of the Indian Penal Code and 4
of Dowry Prohibition Act.

Allegation against the petitioners is of committing
torture upon the victim due to non-fulfilment of 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 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 learned counsel for the Opposite Party No.2, it is submitted that the petitioners are named in the complaint case.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/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 learned Chief Judicial Magistrate, Sitamarhi in connection with Complaint case No.C1-1424 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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