

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46522 of 2017

Arising Out of PS. Case No.-26 Year-2017 Thana- MAHILA P.S. District- Saharsa

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1. Md. Mazlum Son of Late Ismail
 2. Jamila Khatoon Wife of Md. Mazlum
 3. Md. Jiyaul Son of Md. Mazlum
 4. Shahajahan Khatun Daughter of Md. Mazlum All residents of Village - Samda, P.S.- Sour Bazar, District -Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Roushan Wife of Imamul Resident of Village - Samda, P.S. - Sour Bazar, District - Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar
For the Opposite Party/s : DR. AJEET KUMAR

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-09-2017 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections 498A, 323 and 379/34 of the Indian Penal Code and $\frac{3}{4}$ 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 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, it is submitted that the petitioners are named in the F.I.R.

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) with two sureties of the like amount each to the satisfaction of Sri Manish Kumar, Judicial Magistrate, 1st class, Saharsa in connection with Saharsa Mahila P.S. case No.26 of 2017, 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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