

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42836 of 2017

Arising Out of PS. Case No.-22 Year-2016 Thana- BUXAR INDUSTRIAL District- Buxar
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- 1. Ram Lal Sah son of late Suraj Sah resident of village Sonbarsa, P.S. Buxar (I), District - Buxar
- 2. Ajay Sah
- 3. Sanjay Sah both sons of Sri Ramlal Sah Both residents of village - Sonbarsa, P.S. Buxar (I), District - Buxar.

... .. Petitioner/s

Versus

- 1. The State of Bihar.
- 2. Mamta Kumari wife of Chitranjan Sah resident of village Sonbarsa, P.S. Buxar (I), District - Buxar, presently residing at village - Tiwaripur, P.S. - Buxar (I), District - Buxar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Bihari Sinha
For the Opposite Party/s : Mr. SRI DINESH SINGH

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 19-09-2017 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Buxar (I) P.S.Case N0. 22 of 2016, disclosing offences under Sections 304B,201/34 of the Indian Penal Code.

With the allegation that sister of the informant was found missing from her matrimonial home and there was consistent demand of dowry, the First Information Report was registered for the offences punishable under Sections 304B, 201/34 of the Indian Penal Code.

Submission is being made on behalf of the petitioners that the alleged victim has been located, who has been examined



under Section 164 of the Code of Criminal Procedure. Based on the statement made by the alleged victim, Section 304B of the Indian Penal Code is said to have been dropped from the First Information Report and cognizance has been taken under Sections 341, 498A, 342, 323, 506 of the Indian Penal Code and Sections 3 of the Dowry Prohibition Act.

Petitioner No.1 is father-in-law and petitioner Nos. 2 and 3 are brothers of the husband of the said victim.

Learned counsel for the petitioners appears to be, prima facie, correct in his submission that criminal case has been maliciously instituted.

Considering the above submission, this application is allowed.

Let the petitioners above named in the event of their arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Buxar in Buxar (I) P.S. Case No. 22 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall



present themselves before the Police/Court, as the case may be,
as and when required and in the event of failure on their part to
appear before the Court on two consecutive occasions, their bail
bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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