

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60141 of 2017

Arising Out of PS.Case No. -390 Year- 2010 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

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1. Om Prakash Kushwaha @ Om Prakash Mahto @ Om Prakash, S/o Jagdish Mahto,
2. Savita Devi @ Chhathi Devi, wife of Om Prakash Kushwaha @ Om Prakash Mahto, Both resident of Village- Rampur (Bagaha), P.S.- Bagaha, District- West Champaran.

.... Petitioners

Versus

1. The State of Bihar.
2. Laxmi Pd., son of Late Gopal Pd., r/o Amabhadan P.S. Bettiah District West Champaran at present r/o Nauranga Bettiah, District- West Champaran.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Anand Kishore Choudhary

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-12-2017 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in a case instituted under Sections 316, 498A of the Indian Penal Code and 3/4 of D.P. Act.

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 petitioners have falsely been implicated in the



present case. Cognizance was not taken against the petitioners. The petitioners have been made accused at the stage of Section 319 Cr.P.C. The petitioners are in-laws of the informant. They are separate in mess and property from the husband of the victim. 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, it has been submitted that the petitioners are named in the Complaint Case.

Considering the aforesaid facts and circumstances, let the petitioners above named be released on anticipatory bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Complaint Case No.390/2010, S.Tr. No.227/2012 on furnishing bail bonds of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J.-V, Bettiah at West Champaran, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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