

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36887 of 2017

Arising Out of PS.Case No. -46 Year- 2017 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

- =====
1. Naresh Vishwakarma, Son of Late Sudarshan Mistry,
 2. Malti Devi, Wife of Naresh Vishwakarma, Both Residents of Nawavganj Road (in North Lane form Honda Showroom), Near Khatal, Madkhdumpur, East Form Thana, P.S.- Makhdumpur, District- Jehanabad.

.... Petitioners

Versus

1. The State of Bihar.
2. Rajiv Kumar Vishwakarma, Son of Siyaram Vishwakarma, Village- Lakhawar, P.S.- Ghoshi, District- Jehanabad.

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Umesh Kumar, Advocate.

For the State : Mr. Yogendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-08-2017 Heard learned counsels for the petitioners, complainant
and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Complaint Case No. 46/2017 for the offences instituted under Sections 498(A), 323 and 307/34 of the IPC in which cognizance has been taken under Sections 498(A), 323 of the IPC and ¾ of the D.P. Act.

The prosecution story, in brief, is that the accused



persons including the petitioners tortured the complainant 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 with the witnesses alleged against the petitioners. They have falsely been implicated in the present case due to petty family dispute. The case is triable by the Magistrate. The petitioners are father-in-law and mother-in-law of the complainant. They are separate in mess and property from the husband of the complainant. The cognizance has been taken under Sections 498(A), 323 of the IPC and 3/4 of the D.P. Act. 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 learned counsels for the complainant and 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 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. 46/2017 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 S.D.J.M. Jehanabad, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

