

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19889 of 2017

Arising Out of PS.Case No. -212 Year- 2016 Thana -BAHERI District- DARBHANGA

- =====
1. Binod Mukhiya, Son of Kusheshwar Mukhiya.
 2. Kusheshwar Mukhiya, Son of Janak Mukhiya. Both are residents of Village- Kahua, P.S.- Biraul, District- Darbhanga.

.... Petitioners

Versus

1. The State of Bihar.
2. Rinku Devi, W/O Sri Binod Mukhiya, Village-Kahua, P.S.Biraul, District-Darbhangha, Present address Village-Seema Baghara, P.S. Baheri, District-Darbhangha.

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Alok, Advocate.
For the State : Mr. Parmanand Kumar, A.P.P.
For the O.P. No. 2 : Mr. Suraj Narain Yadav, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 21-09-2017 Heard learned counsel for the petitioners, learned

A.P.P. for the State and learned counsel for the opposite party no.

2.

The petitioners are apprehending their arrest in a case

for the offence registered under Sections 323, 341, 420, 376/511,

498(A) 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 victim due to non-

fulfillment of demand of dowry. It is further alleged that the

petitioner no. 2 also tried to commit rape upon the victim.



The matter was referred to the Mediation Centre of Patna High Court Legal Services Committee, Patna, vide order dated 29.06.2017. As per the report of the Mediator, mediation has failed between the parties.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case due to petty family dispute. The petitioners are not named in the F.I.R. So far as the allegation of rape is concerned, the same has been alleged against petitioner no. 2. 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 State and opposite party no. 2, it has been submitted that the petitioners are not named in the F.I.R/ complaint case. There is specific allegation against petitioner no. 2, Kusheshwar Mukhiya.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to petitioner no. 2. The same is rejected in connection with Baheri P.S. Case No.



212/2016, G.R. No. 3604 of 2016, pending in the court of learned A.C.J.M.-IV, Darbhanga.

So far as petitioner no. 1, Binod Mukhiya is concerned, let the petitioner no. 1, in the event of arrest or 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 the learned A.C.J.M.-IV, Darbhanga, in connection with Baheri P.S. Case No. 212/2016, G.R. No. 3604 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

