

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41898 of 2018

Arising Out of PS.Case No. -236 Year- 2017 Thana -SAHPUR District- BHOJPUR

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1. Jagesh Mishra.
 2. Sunni Mishra. Both are sons of Shaligram Mishra, resident of Village-Shahpur, Police Station- Shahpur, District- Bhojpur (Ara).

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Rajesh Kumar Mishra, Advocate.
For the Opposite Party : Mr. Nand Kishore Pd, A.P.P.
For the Informant : M/S. Arbind Kumar Singh and Ravindra
Kumar Tiwary, Advocates.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 19-07-2018 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 498(A), 328, 307 of the
IPC and $\frac{3}{4}$ of the D. P. Act.

The prosecution story, in brief, is that the accused
persons including the petitioners tortured the victim due to non-
fulfilment of demand of dowry.

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 in-laws of the victim. They are separate in mess and property from the husband of the victim. There is no medical examination report in respect of offence under Sections 307 and 328 of the I.P.C. Hence, no offence under Sections 307 and 328 of the I.P.C. is made out in the present case. Rests of the offences are triable by the Magistrate. The victim herself is said to have consumed *Sulphas*. 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. Other co-accused persons have been granted anticipatory bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 36672 of 2018 dated 28.06.2018.

On behalf of the learned counsels for the State and opposite party no. 2, it has been submitted that the petitioners are named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, let the petitioners above named, 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) each with two sureties of the like



amount each to the satisfaction of the learned A.C.J.M.-XIV, Ara (Bhojpur), in connection with Shahpur P.S. Case No. 236 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

