

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45489 of 2018

Arising Out of PS.Case No. -1866 Year- 2017 Thana -SARAN COMPLAINT CASE District-SARAN

- =====
1. Kishore Rai, Son of Ram Dayal Rai &
 2. Sita Devi @ Gangajali Devi, Wife of Kishore Rai, Both residents of Village-Dumari, Police Station- Doriganj, District-Saran (Chapra)
- Petitioners

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Madan Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-07-2018 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case initially registered under Sections 379, 498A of the Indian Penal Code and 3/4 of Dowry Prohibition Act but cognizance has been taken under Section-498A of the Indian Penal Code and 4 of Dowry Prohibition Act only.

Allegation against the petitioners is of committing torture upon the victim due to non-fulfillment 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 of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case due to petty family dispute. The case is triable by the Magistrate. The



petitioners have 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 State, it is submitted that the petitioners are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/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 learned Sub Divisional Judicial Magistrate, Saran at Chapra in connection with Complaint Case No. 1866 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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