

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7504 of 2018

Arising Out of PS. Case No.-110 Year-2017 Thana- MAHILA P.S. District- Bhojpur

1. Basant Singh
2. Neemesh Kumar @ Neemesh Singh
Both sons of Kalaktar Singh, Resident of village Pasaur, P.S.- Charpokhari,
District- Bhojpur. Petitioner/s

Versus

1. The State Of Bihar
2. Kajal Kumari, D/o- Manoj Singh, Resident of Mela Road Bihia, P.S.-
Bihia, District- Bhagalpur. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh
For the Opposite Party/s : Mr. ANSARUL HAQUE

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-02-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 498A, 313, 379/34 of the Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act.

Allegation against the petitioners is of committing torture and assault upon the victim 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 of witnesses alleged against the petitioners. Petitioners are bhainsurs of the victim. They are separate in mess and property from the husband of the victim. The statement of the doctor is in paragraph 28 of the case diary



wherein it has been stated that abortion was made as the foetus of the child was suffering from some medical ailment, hence, the abortion was necessary. In the said circumstance, no offence under Section 313 IPC is made out in the present case in the light of statement of the doctor. They have relied upon a 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 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 S.D.J.M., Ara, Bhojpur in connection with Mahila P.S. Case No. 110 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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