

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16962 of 2018

Arising Out of PS. Case No.-203 Year-2017 Thana- BARAHIYA District- Lakhisarai

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1. Ghanshyam Singh S/o late Baleshwar Singh
 2. Shyam Sundar Singh@ Jato Singh S/o late Baleshwar Singh Both Resident of Village- Jaitpur, P.S. and P.S. Barahiya, Distt. Lakhisarai. Petitioner/s

Versus

1. The State of Bihar.
2. Seema Devi Wife of Pankaj Singh, D/o Ram Jatan Singh Resident of Village- Karari, Pipariya, P.S. Piparia, District Lakhisarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar Sinha
For the Opposite Party/s : Mr. ANIL KUMAR

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-03-2018 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 341, 323, 337, 325, 307, 498A, 34 of the Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act.

Allegation against the petitioners is of committing torture 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. There is no medical report to support the allegations for constituting offence under Section 307 of the Indian Penal



Code. As per the injury report, the nature of injury is simple. The injury is caused on non-vital part of the body. The petitioners are the *bhainsurs* of the victim. They 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 Chief Judicial Magistrate Lakhisarai in connection with Barahiya P.S. Case No. 203/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Pankaj/-

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