

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7072 of 2018

Arising Out of PS. Case No.-1289 Year-2016 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Bhabhua (Kaimur)

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1. Kamlesh Kharwar, S/o Liladhar Kharwar,
 2. Liladhar Kharwar, S/o Late Sighashan Kharwar
 3. Marachhi Devi, W/o Lailadhar Kharwar, all resident of Village Saray, P.S. Ramgarh, District Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Suman Devi, Wife of Kamalesh Kharwar, R/o Village- Saray, P.S. Ramgarh, District Kaimur at Bhabua, at present R/o Ward No. 17, P.S. Bhabua, District Kaimur at Bhabua.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan
For the Opposite Party/s : SMT. ANUSUIYA JAISWAL

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-02-2018 Learned counsel for the petitioners is permitted to make necessary correction in respect to paragraph numbers as made in the petition in course of the day.

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, 406, 504, 323/34 of the Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act in which cognizance has been taken under Section 498A IPC and 4 of the D.P. 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. Petitioners are husband, father-in-law and mother-in-law respectively 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 petitioner is named in the complaint case.

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., kaimur at Bhabhua in connection with Complaint Case No. 1289 of 2016, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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