

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29969 of 2018

Arising Out of PS.Case No. -136 Year- 2018 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

- =====
1. Rajesh Patwa, S/o Ramji Patwa,
 2. Rajani Devi W/o Rajesh Patwa, Both R/o Vill.- Sugauli, P.S.- Sugauli,
District- East Champaran (Motihari), At present - Mohalla- Chandwara,
P.S.- Town Muzaffarpur, District- Muzaffarpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Nitu Kumari, Advocate.

For the State : Mr. Lalan Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-05-2018 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in a case
for the offence registered under Sections 498(A), 365/34 of the
IPC and ¾ 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 been made accused in the present case due to mistake of fact. The petitioners are not family members of the victim. They are neighbours to the husband of the victim. They have no concern with the family affairs of the victim. The case is triable by the Magistrate. 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.

On behalf of the learned counsel for the State, 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 C.J.M. Muzaffarpur, in connection with Muzaffarpur Town P.S. Case No. 136 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)