

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47503 of 2018

Arising Out of PS.Case No. -141 Year- 2017 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

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1. Rajesh Kumar @ Rajesh Kumar Rai son of Harendra Rai.
2. Rinku Devi wife of Rajesh Kumar Rai.
3. Binda Devi wife of Harendra Rai
4. Harendra Rai son of Videshi Rai All resident of Village- Hetanpur Dhamoun, Police Station- Patori, District- Samastipur.
5. Kailash Rai @ Kanahaie Rai S/o Basant Rai
6. Radha Devi @ Radhika Devi wife of Kailash Rai @ Kanahaie Rai Both resident of Village- Radiyahi, Police Station- Tajpur O.P. Halae, District- Samstipur.

.... Petitioners

Versus

1. The State of Bihar.
2. Smt. Kumari Neha wife of Mukesh Kumar Rai, resident of Village- Hetanpur Dhamoun, Police Station- Patori, District- Samastipur. At present:- Smt Kumari Neha Daughter of Dinesh Prasad Rai, resident of Village- Raghunathpur, P.S.- Tajpur (O.P.) Halae District- Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioners : Mr. Pramod Kumar Singh
For the Opposite Party : Mr. Nagendra Prasad

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-08-2018 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered under Section 498A of the Indian Penal Code and 4 of Dowry Prohibition Act.

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, Samastipur in connection with Complaint Case No. 141 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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