

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52647 of 2018

Arising Out of PS.Case No. -77 Year- 2018 Thana -PATORI District- SAMASTIPUR

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1. Subodh Rai, Son of Basudev Rai,
 2. Vivek Rai, Son of Basudev Rai, resident of Village- Enayatpur Dhamoun, P.S. Patory, District- Samastipur.

.... Petitioners

Versus

1. The State of Bihar.
2. Ahilya Devi, Wife of Binod Rai, and Daughter of Prabhu Rai, Resident of Village- Rampur Khairi, P.S. Desri, District- Vaishali.

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Jitendra Narain Sinha, Advocate.

For the State : Smt. Anita Kumari Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-09-2018 Heard learned counsel for the petitioners, learned
A.P.P. for the State and learned counsel for the opposite party no.
2.

The petitioners are apprehending their arrest in a case
for the offence registered under Sections 341, 323, 307, 498(A)/34
of the IPC.

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 falsely been implicated in the present case due to petty family dispute. The petitioners are in-laws of the victim. They are separate in mess and property from the husband of the victim. The injury report does not indicate the nature of injury. Hence, it can not be ascertained that offence under Section 307 of the I.P.C is made out. Rests of the offences are 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 counsels for the State and opposite party no. 2, 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. Samastipur, in connection with Patory P.S. Case No. 77 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure.

If so advised, either of the parties will be at liberty to make an application before the court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

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(Sudhir Singh, J)

