

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43422 of 2018

Arising Out of PS. Case No.-61 Year-2018 Thana- PIPRA District- East Champaran

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1. Basdeo Bhagat S/o Late Sheoraj Bhagat
 2. Parvati Devi W/o Basdeo Bhagat
 3. Shivshankar Prasad S/o Basdeo Bhagat All residents of Village- Bharthuhia, P.S.- Pipra, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sangita Devi wife of Jeetendra Prasad, resident of Village- Bharthuhiya, P.S.- Pipra, District- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa
For the Opposite Party/s : Mr. Sri Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 18-08-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 341, 498A, 307 and 34 of the Indian Penal Code.

Allegation against the petitioners is of committing torture and assault upon the victim due to non-fulfilment of demand of dowry.

It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against the petitioners. On the earlier occasion also, the victim and her family members have instituted case for similar offence against



the petitioners and family members. The petitioners have falsely been implicated in the present case due to petty family dispute. The nature of injury is simple in nature. Hence, no offence under section 307 IPC is made out. Rest of the offences are 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) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Pipra P.S. Case No. 61/18, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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