

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.54215 of 2018**

Arising Out of PS. Case No.-235 Year-2018 Thana- KATIHAR COMPLAINT CASE  
District- Katihar

- =====
1. Janardan Singh @ Janardan Mahto,
  2. Ram Sakhiya Devi W/o Janardhan Singh @ Janardan Mahto,  
Both are R/o Vill.- Badkona, P.S.- Mirganj, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Damodar Singh S/o Late Narayan Singh, R/o Vill.- Bawanganj Binjee, P.S.-  
Korha, District- Katihar.

... .. Opposite Party/s

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**Appearance :**

|                         |   |                               |
|-------------------------|---|-------------------------------|
| For the Petitioners     | : | Mr. Md. Musowir, Advocate     |
| For the State           | : | Mr. Md. Ashlam Ansari, APP    |
| for opposite party No.2 | : | Mr. Bishweshwar Ram, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

4      08-10-2018                      Heard learned counsel for the petitioners, learned APP for  
the State and learned counsel for the opposite party No.2.

The petitioners are apprehending their arrest in a case registered under Sections 498A, 365 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-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. In the light of the Annexure-2 to the present application, it is evident that no offence under Section 365 of the I.P.C. is made out in the present case. A certificate has been issued by the Sarpanch, who has stated



that the daughter-in-law of the petitioners is residing with Kundan Paswan along with her child. All 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 and learned counsel for the opposite party No.2, it is submitted that the petitioners are 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) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Katihar in connection with C.A. case No.235 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

Narendra/-

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