

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5190 of 2017

Arising Out of PS.Case No. -30 Year- 2016 Thana -MAHILA P.S. District- BHABHUA (KAIMUR)

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1. Mithilesh Singh, S/O Gaurishankar Singh, R/V- Damodarpur, P.S. Chainpur, District-Kaimur at Bhabua.
 2. Rakesh Singh, S/O Rajbansh Singh, R/V- Silauta, P.S. Chand, District-Kaimur at Bhabua.

.... Petitioners

Versus

1. The State of Bihar.
2. Rekha Kumari, W/O Mithilesh Singh, D/O Satpal Singh, R/V- Damodarpur, P.S. Chainpur, District-Kaimur at Bhabua. At present address Rekha Kumari, D/O Satpal Singh, R/V- Sikathi, P.S. Bhabua, District-Kaimur at Bhabua.

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Rajani Kant Pandey, Advocate.
For the State : Smt. Veena Rani Prasadd, A.P.P.
For the O.P. No. 2 : M/S. Tribhuvan Narayan and Mukul Kumari,
Advocates.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 25-04-2018 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, 498(A)/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.

By order dated 09.04.2018, an opportunity for



reconciliation between the petitioner no. 1 and the victim was given but the same has failed.

It has been submitted by learned counsel for the petitioners that the petitioner no. 1 has got criminal antecedent as to when petitioner no. 2 has got no criminal antecedent. The petitioner no. 1 is the husband of the victim and petitioner no. 2 is the relative of the husband of the victim. There is no allegation of tampering with the witnesses alleged against the petitioners. 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 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., Kaimur at Bhabua, in connection with Mahila (Bhabua) P.S. Case No. 30 of



2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

(Sudhir Singh, J)

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