

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65886 of 2018

Arising Out of PS.Case No. -64 Year- 2018 Thana -MAHILA PS District- BUXAR

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1. KAMLESH SINGH@KAMLESH YADAV, S/o Late Kanhaiya Singh,
2. Koushalya Devi @ Koushalya Kuar wife of Late Kanhaiya Singh &
3. Sunaina Devi wife of Kamlesh Singh
All residents of Village-Kaithi Dera, P.S. Bagan Gola, District-Buxar.
.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha

For the Opposite Party/s : Mr. Umeshnand Pandit

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-10-2018 Heard learned counsel for the petitioners, O.P. No. 2 and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 341, 323, 504, 325, 307, 498A of the Indian Penal Code and 3/4 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 specific allegation of physical assault is alleged against co-accused Kanchan Kumar (husband). Except offence u/S 307 of the Indian Penal Code, rest of the offences are triable by the Magistrate.



The petitioner has 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 O.P. No. 2, 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 Chief Judicial Magistrate, Buxar in connection with Buxar (Mahila) P.S. Case No. 64 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.

(Sudhir Singh, J)

A.K.V./-

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