

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28137 of 2018

Arising Out of PS. Case No.-174 Year-2017 Thana- KOTWALI District- Patna

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1. Baid Nath Rai, son of Late Jawahar Lal
 2. Durga Devi, wife of Baidya Nath Rai Both are Resident of Village- Anisabad, near Post Office Gali, Patna P.S. Gardanibagh, District- Patna.
 3. Babli Kumari @ Babli Devi, wife of Umesh Rai, Resident of Village- Saristabad, P.S. Gardanibagh, District- Patna.
 4. Poonam Devi, wife of Rajesh Kumar.
 5. Rajesh Kumar, son of Subeda Singh, Both are Resident of Village- Phulia Tola, P.S. Phulwari Sharif, District Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar
For the Opposite Party/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-05-2018 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, 342, 323, 498A/34 of the Indian Penal Code and Section 37(B)(C) of the Bihar Prohibition and Excise Act, 2016.

Allegation against the petitioners is of committing torture upon the victim due to non-fulfilment of demand of dowry. There is further allegation of causing mental torture to the victim by the accused person in a drunken state.

It has been submitted on behalf of the petitioners that



the petitioner nos. 2 to 5 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners are in-laws. They have falsely been implicated in the present case due to petty family dispute. 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) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Kotwali P.S. Case No. 174/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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