

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36145 of 2018

Arising Out of PS. Case No.-24 Year-2018 Thana- MARKAHI District- Khagaria

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1. Kunwar Kanhaiya Son of Raj Kumar Poddar
 2. Raj Kumar Poddar Son of Late Paremeshwar Poddar, Both are resident of Village- Rasaunk, Police Station- Morkahi, District- Khagaria, at present resident of Mohalla- Hajipur Ward No. 17, Police Station Khagaria Town, District- Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh
For the Opposite Party/s : Mr. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 09-07-2018 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, 307, 504, 506, 498A, 379/34 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. The petitioners have falsely been implicated in the present case. The nature of injury is said to be simple. Hence no



offence under Section 307 I.P.C. is made out. Rest of the offences are triable by the Magistrate. Due to property dispute between the family, the present prosecution and the earlier prosecution were brought against the petitioners. 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 Sub Divisional Judicial Magistrate, Khagaria in connection with Morkahi P.S. case No.24 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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