IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38235 of 2018

Arising Out of PS. Case No.-128 Year-2018 Thana- FATUHA District- Patna

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1. Uday Kumar son of Ram Nath Gupta @ Ram Nath Sao, resident of Village- Imli Chouk Raipura, P.S.- Fatuha, District- Patna.
2. Nirmala Devi, wife of Onkar Kumar, resident of Village- Yogipur, P.S. Hilsa, District- Nalanda.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ashok Kumar
For the Opposite Party/s : Mr. Sri Nand Kishore Pd

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 05-07-2018 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, 323, 504, 307, 34 and 498A 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 the petitioners 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. There

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is no medical report to support the allegations for constituting offence under Section 307 of the Indian Penal Code. Rest of the 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, 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 Smt. Sabita Rani, J.M. 1st Class, Patna City, Patna in connection with Fatuha P.S. Case No. 128/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Pankaj/-

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