

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39101 of 2018

Arising Out of PS.Case No. -409 Year- 2017 Thana -BHABHU(KAIMUR) COMPLAIN C District-
BHABHUA (KAIMUR)

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1. Manoj Awasthi, Son of Dulare @ Ram Dullar Awasthi @ Lalla Awasthi.
2. Ram Dullar Awasthi @ Dulare @ Lalla Awasthi, Son of Late Dukhi Awasthi.
3. Raj Kumari Devi, Wife of Dulare @ Ram Dular Awasthi @ Lalla Awasthi. All resident of Village- Palka, P.S.- Bhabua, District- Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Priyanka Devi, Wife of Manoj Awasthi, resident of Village Palaka, P.S. Bhabua, District- Kaimur at Bhabua at present D/o Kuwar Tiwari, resident of Village- Lohdan, P.S. Chand, District- Kaimur at Bhabua.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh

For the Opposite Party/s : Mr. Sri Pranav Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-07-2018 Counsel for the petitioners is permitted to make necessary correction in paragraph-1 of the main petition in course of the day.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 323, 498A of the Indian Penal Code.

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 against the petitioners. The petitioners have



falsely been implicated in the present case due to petty family dispute. The case is 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 learned Sub Divisional Judicial Magistrate, Kaimur at Bhabua in connection with Complaint Case No. 409 of 2017, 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)

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