

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49920 of 2018

Arising Out of PS.Case No. -1367 Year- 2017 Thana -SAHARSA District- SAHARSA

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1. Bishundeo Bhagat, S/o late Nankeshwar Bhagat,
 2. Buchchi Devi, W/o Bishundeo Bhagat, Both Residents of Mohalla-Subedari Tola, Ward No. 39, P.S.- Saharsa, District- Saharsa.

.... Petitioners

Versus

1. The State of Bihar.
2. Sabita Devi W/o Bishundeo Bhagat , R/o Subedari Tola, Ward No. 39, P.S.- Saharsa, District- Saharsa.

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Bhaskar Shankar, Advocate.

For the State : Mr. Atul Chandra, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-08-2018 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 498(A), 341, 323, 307, 504 and 506/34 of the IPC.

The prosecution story, in brief, is that the accused persons including the petitioners tortured the victim due to non-fulfilment of demand of dowry.

It has been submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in the present case. There is no allegation of tampering with the



witnesses alleged against the petitioners. The petitioner no. 1 is husband and petitioner no. 2 is alleged to be second wife of petitioner no. 1. The informant and her family members are in habit of instituting similar cases against the petitioners and their family members. As per medical report, nature of injury is simple. No offence under Section 307 of the IPC is made out. Rests of the offences are triable by the Magistrate. The case is triable by the Magistrate. The petitioners have further 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 learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or 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 the learned C.J.M. Saharsa, in connection with Saharsa (Sadar) P.S. Case No. 1367/2017, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure.

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(Sudhir Singh, J)

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