

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38285 of 2018

Arising Out of PS. Case No.-518 Year-2017 Thana- AMARPUR District- Banka

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1. Md. Eqbal, Son of Abid Hussain,
 2. Bibi Bholi Wife of Md. Eqbal @ Eqbal
 3. Shabana Khatoon @ Sabana @ Bibi Sabana, Daughter of Md. Eqbal @ Eqbal Petitioner Nos. 1 to 3 residents of village- Dhimra, Police Station- Amarpur, District- Banka.
 4. Bibi Shabnam, Wife of Md. Shad @ Md. Chhotu
 5. Md. Shad @ Md. Chhotu, Son of Ghulam Rasool, Petitioner Nos. 4 and 5 are resident of Village- Kasba, Police Station- Shambhuganj, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda

For the Opposite Party/s : Mr. Kumar Virendra Narayan

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 31-07-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections 376, 498A, 494, 120B, 313/34 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 the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. There is no allegation of tampering of witnesses alleged against the petitioners.



There is no medical examination report in support of the allegations made in respect of offence under Section 313 I.P.C. So far the offence under Section 376 I.P.C. is concerned, same is alleged to have been committed prior to solemnizing the marriage of the husband of the informant. 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) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Amarpur P.S. case No.518 of 2017, 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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