

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.57963 of 2018

Arising Out of PS.Case No. -77 Year- 2018 Thana -PAHARPUR District- EASTCHAMPARAN
(MOTIHARI)

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1. Yasin Mian, S/o Bhikhari Mian,
2. Shahnaz Khatoon @ Shalmaj Khatoon W/o Mian,
3. Najir Alam S/o Yasin Mian,
4. Abed Alam @ Abid Alam S/o Yasin Mian, All R/o Vill.- Parsa, P.S.- Manupaul, District- West Champaran.
5. Zarina Khatoon W/o Shaidullah Alam,
6. Shammu Mian @ Shamu Mian S/o Karim Mian, Petitioner Nos.5 and 6 Residents of Vill.- Mahna Kuli, P.S.- Chanpatia, District- West Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 26-09-2018 Heard learned counsel for the petitioners, O.P. No. 2 and learned APP for the State.

The petitioners are apprehending their arrest in a case registered under Section 498A of the Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act.

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 alleged 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 and O.P. No. 2, 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 Chief Judicial Magistrate, Motihari, East Champaran in connection with Paharpur P.S. Case No. 77 of 2018, 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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