

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.63192 of 2017

Arising Out of PS.Case No. -315 Year- 2017 Thana -KISHANGANJ District- KISANGANJ

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1. Mahboob Alam, Son of Mansoor Ali,
 2. Soyabur Rahman alias Soybur Rahman, Son of Mansoor Ali,
 3. Ataur Rahman alias Ataubur Rahman, son of Kalimuddin, All Resident of Village- Chilmari, P.S. + District- Kishanganj.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ram Prawesh Kumar, Advocate.

For the Opposite Party : Mr. Amitesh Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 04-01-2018 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), 364, 120(B) of the IPC and 3/4 of the D.P. Act.

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

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case due to petty family dispute. The petitioner no. 1 is the husband of the victim, petitioner no. 2 is the



Dewar of the victim and petitioner no. 3 is also family member of the victim. No offence under Section 364 of the IPC is made out in the present case as the victim is in illegal confinement of her own parents. The present case has only been instituted with an intention to harass the petitioners and other family members. 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. Kishanganj, in connection with Kishanganj P.S. Case No. 315 of 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)

