

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1277 of 2018

Arising Out of PS. Case No.-83 Year-2017 Thana- DAGARUA District- Purnia

1. Md. Najrul @ Najrul Haque son of Late Suleman
2. Bibi Sarifan wife of Md. Najrul
3. Md. Dulal son of Md. Najrul, all resident of village Teliya Rahika, P.S. Dagarua, District Purnea

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Naima Khaton wife of Md. Sakir, D/o Md. Kudus, resident of village Kishanpur, Bhangi Tal Tola, P.S. Sadar (Muffasil), Ranipatra, District Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh
For the Opposite Party/s : Mr. MD. SUFIYAN

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-01-2018 Counsel for the petitioners seeks permission to withdraw the application on behalf of petitioner No.3 Md. Dulal.

Permission is accorded.

The application on behalf of petitioner No.3 is dismissed as withdrawn.

Heard learned counsel for the petitioners No.1 and 2 and learned APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 313, 307, 323, 324, 498A, 406 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

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. The petitioners have falsely been implicated in the present case. There is no medical report to support the allegations made in the F.I.R. for constituting an offence under Section 307 of the I.P.C. 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 F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners No.1 and 2, 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 Sri P.K. Mohit, learned A.C.J.M. IInd, Purnea in connection with Dagarua P.S. case No.83 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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