

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62933 of 2017

Arising Out of PS. Case No.-53 Year-2017 Thana- KEOTI District- Darbhanga

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1. Md. Mokhtar Ahmad Son of Md. Islam
 2. Azahar Mokhtar @ Md. Azahar Mokhtar S/o Md. Mokhtar Ahmad Both Resident of Mohalla Ganj Mohalla Railway Gumati No. 8, P.S.- Fulwariya, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anjum Perveen
For the Opposite Party/s : Mr. DILIP KUMAR

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-01-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections 448, 341, 323, 324, 307, 504, 498A/34 of the Indian Penal Code and $\frac{3}{4}$ 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. The informant's brother had made a complaint vide Annexure-2 to the present application before the S.H.O. of



the local area i.e. Fulwaria, Begusarai. On the said complaint, certain notings were made by the concerned S.H.O., which contradicts the allegations made in Annexure-1 to the present application. In the light of Annexure-2 i.e. notings of the S.H.O., no offence under Section 307 of the I.P.C. is made out. 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, 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, Darbhanga in connection with Keoti P.S. case No.53 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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