

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.64415 of 2018

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1. Shatrughan Malakar, S/o Bholu Malakar,
 2. Rukmini Devi @ Umda Devi, Wife of Shatrughan Malakar. Both R/V-
Alapur Dhankaul, P.S. Barauni District-Begusarai.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Arbind Kumar Singh, Advocate.

For the Opposite Party : Mr. S.M. Rahman, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 12-10-2018 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 341, 323, 342, 307,
498(A), 504/34 of the IPC and ¾ of the D. P. Act.

The prosecution story, in brief, is that the accused
persons including the petitioners tortured the victim due to non-
fulfilment 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
petitioners are in-laws of the victim. They are separate in mess and
property from the husband of the victim. There is no medical



examination report in respect of offence under Section 307 of the I.P.C. Hence, no offence under Section 307 of the I.P.C. is made out in the present case. Rests of the offences are triable by the Magistrate. 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. Begusarai, in connection with Begusarai (M) P.S. Case No. 143 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)

