

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19670 of 2018

Arising Out of PS. Case No.-90 Year-2017 Thana- KUCHAIKOTE District- Gopalganj

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1. Baijnath Singh @ Baijnath Rai, S/o Laxmi Rai,
 2. Bittu Singh @ Bittu Kumar Singh @ Bittu Rai, S/o Baijnath Singh,
 3. Krishna Singh @ Krishna Kumar Singh @ Krishna Rai S/o Baijnath Singh, All above named are R/o Village- Suklauli, P.S.- Kuchaicote, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachin Kumar

For the Opposite Party/s : Mr. Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-04-2018 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 323, 324, 304B, 406 and 498A 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 and thereafter killed her 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 are in-laws. They have been made accused due to mistake of facts. Though the case has been instituted for an offence under



Section 304B IPC but from perusal of the Annexure-2 to the present application, it is evident that after the institution of the present case, so-called deceased is alleged to have filed a case under Section 12 of the Domestic Violence Act before the A.C.J.M.-IV at Kota, Rajasthan. Taking Annexure-2 into account, no offence under Section 304B IPC is made out. They are separate in mess and property from the husband of the so-called deceased.

On behalf of the State, 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 A.C.J.M. VII, Gopalganj in connection with Kuchaicote P.S. Case No. 90 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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