

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20281 of 2018

Arising Out of PS. Case No.-273 Year-2017 Thana- CHAINPUR District- Bhabhua (Kaimur)

1. Kailash Pati Tripathi, s/o- Radhe Shyam Tripathi
2. Vidyapati Tripathi, son of Radhe Shyam Tripathi
3. Kaushalpati Tripathi, son of Radhe Shyam Tripathi
All r/o- village Chainpur, P.S.- Chainpur, District- Kaimur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sudha Devi, wife of Kamalapati Tripathi @ Sonu Tripathi village-
Chainpur, P.s.- Chainpur, District- Kaimur at present village Ajagari, P.s.-
Kudra, District- Kaimur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arabind Nath Pandey
For the Opposite Party/s : Mr. Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-04-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections 364, 498A, 379, 504, 34 of the Indian Penal Code.

Allegation against the petitioners is of committing torture upon the victim due to non-fulfilment of demand of dowry and also having eyes on the property of her husband, kicked her along with her children out of her matrimonial home.

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 petitioner



nos. 1 and 2 are bhainsurs and petitioner no. 3 is devar of the victim. They have falsely been implicated in the present case due to petty family dispute. There is no substantial evidence to implicate the petitioners under Section 364 IPC. Rest of the offences are triable by the Magistrate. 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*. Other co-accused has been granted anticipatory bail vide Annexure-2 to the present application.

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 Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Chainpur P.S. Case No. 273 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Pankaj/-

U		T	
---	--	---	--

