

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33012 of 2018

Arising Out of PS.Case No. -22 Year- 2017 Thana -MAHILA PS District-
EASTCHAMPARAN(MOTIHARI)

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1. SK. ABDUL HAI @ SK. ABDUL HAQUE, S/o Late Shekh Adul Rauf @ Sheikh Abdul Rauf,
2. Mustakima Khatoon @ Mustakeema Khatoon W/o Sk. Abdul Hai @ Sk. Abdul Haque,
3. Sheikh Naulakh @ Sk. Mumtaz @ Sk. Naulakh, S/o Sk. Abdul Hai @ Sk. Abdul Haque,
4. Sheikh Imran @ Md. Imran Ali @ Sk. Imran, S/o Sk. Abdul Hai @ Sk. Abdul Haque, All R/o Vill.- Shekhi Chakia, P.S.- Chakia, District- East Champaran.
5. Shekh Tazwddin @ Sk. Tajuddin @ Md. Tazwddin S/o Late Md. Hanif, R/o Vill.- Katha, P.S.- Panapur, District- Muzaffarpur.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioners : Mr. Krishna Kant Singh

For the Opposite Party/s : Dr. Indihar Kumari

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 19-07-2018 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, 307, 341, 494, 498A, 354(B), 504, 34 of the Indian Penal Code.

Allegation against the petitioners is of committing torture upon the victim due to non-fulfillment of demand of dowry.

It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses against the petitioners. The petitioners have falsely been implicated in the present case



due to petty family dispute. The informant is in habit of instituting cases for similar nature of offence against the petitioners and their family members. The nature of injury is said to be simple. Hence, no offence u/S 307 of the Indian Penal Code is made out. Rest 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.

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 ACJM-13, Motihari, East Champaran in connection with Mahila P.S. Case No. 22 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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