

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19098 of 2018

Arising Out of PS.Case No. -125 Year- 2017 Thana -SIDHWALIA District- GOPALGANJ

- =====
1. Rakesh Kumar Srivastava son of Sri Dudhnath Prasad @ Dudhnath Pd. Srivastava
 2. Dudhnath Prasad @ Dudhnath Srivastava son of Late Chandeshwari Prasad Srivastava
 3. Sheela Devi wife of Dudhnath Prasad Srivastava All are residents of Noida Police Station Noida Phase - 2, District - Gautambudha Nagar, Uttar Pradesh.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha
For the Opposite Party/s : Mr. Shantanu Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

7 20-08-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners apprehend their arrest in a case registered under Sections-341, 323, 307, 498(A), 406, 504 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 alleged against the petitioners. The petitioners have falsely been implicated in the present case due to petty family dispute. On earlier occasion also, the informant has instituted a case for similar offence against the



petitioners and other family members. There is no medical examination report to support the allegation for constituting the offence under Section-307 of the Indian Penal Code. 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.

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 Judicial Magistrate-Ist Class, Gopalganj in connection with Sindhwalia P.S. Case No. 125 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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