

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4237 of 2018

Arising Out of PS. Case No.-165 Year-2016 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. Sanjay Kumar Sinha @ Sanjay Singh Kushwaha, Son of Vijay Singh Kushwaha.
 2. Sanjeev Kumar @ Sanjay @ Pappu Singh Kushwaha, Son of Vijay Singh Kushwaha.
 3. Shanti Devi, Wife of Vijay Singh Kushwaha,
 4. Vijay Singh Kushwaha @ Vijay Singh Kushwaha, Son of Late Hiralal Prasad, All are resident of Village- Baluatal Kushwaha Nagar Santi market, P.S.- Motihari, Dist. East Champaran.

... .. Petitioners

Versus

1. The State of Bihar.
2. Pratima Devi, Wife of Samir @ Sonu Kumar Kushwaha, D/o Daroga Prasad, R/v- Bairiya Churiharwa Tola, P.S.- Bairiya, Dist.- West Champaran.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the State : Mr. C. Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 05-02-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Section 498A of the Indian Penal Code and 4 of Dowry Prohibition Act.

Allegation against the petitioners is of committing torture upon the victim 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 are separate in mess and property from the husband of the victim. They have been falsely implicated in the present case due to petty family dispute. The case is 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.

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 S.D.J.M., Bettiah, West Champaran in connection with Tr. No. 1020/2016 (arising out of Complaint Case No. 165/2016), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Pankaj/-

(Sudhir Singh, J)

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