

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2417 of 2018

Arising Out of PS.Case No. -813 Year- 2016 Thana -BHABHU(KAIMUR) COMPLAIN C District-
BHABHUA (KAIMUR)

- =====
1. Bir Bahadur Tiwary @ Tinku Tiwari, son of Madan Tiwary
 2. Madan Tiwary son of Late Mukhram Tiwary Both resident of Village-
Dudhara, P.S.- Sonhan, District Kaimur at Bhabua.

.... Petitioners

Versus

1. The State of Bihar.
2. Chaman Devi, wife of Vir Bahadur Tiwary, resident of Village-
Dudhara, P.S.- Sonhan, District Kaimur at Bhabua. at present address
D/o Ramanand Choubey, resident of Village- Fakharabad, P.S.- Kudara,
District- Kaimur at Bhabua.

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Rajani Kant Pandey, Advocate.

For the State : Mr. Rajendra Singh Shastriji, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 17-01-2018 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in a case
for the offence registered under Sections 323, 498(A)/34 of the
IPC in which cognizance has also been taken under Sections 323,
498(A)/34 of the IPC.

The prosecution story, in brief, is that the accused
persons including the petitioners tortured the victim due to non-
fulfillment of demand of dowry.

It has been submitted by learned counsel for the
petitioners that the petitioners have got no criminal antecedent.



There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners are husband and father-in-law of the victim respectively. The petitioners have falsely been implicated in the present case due to petty family dispute. The case is triable by the Magistrate. The petitioners have further 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 learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or 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 the learned A.C.J.M. VII, Kaimur at Bhabua, in connection with Complaint Case No. 813 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)