

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72694 of 2018

Arising Out of PS. Case No.-125 Year-2018 Thana- PATAHI District- East Champaran

1. Bacha Singh, S/o Late Kapildeo Singh,
2. Annapurna Singh @ Aparna Devi W/o Bacha Singh &
3. Amit Raj, S/o Bacha Singh

All residents of village/mohalla-Bhagwan Bazar, Station Kachahri Road,
Chapra, P.S. Bhagwan Bazar, District-Saran at Chapra.

... .. Petitioner/s

Versus

State Of Bihar & Anr

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh
For the Opposite Party/s : Mr. Sri Atul Chandra

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-12-2018 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 498A, 313, 354(B), 307, 504, 506/34 of the Indian Penal Code and ³/₄ of Dowry Prohibition Act.

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 the petitioners have got no criminal antecedent. 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. There is no medical examination report in support of allegation under Sections- 313 & 307 of the IPC.



Hence, it cannot be ascertained as to whether an offence under Sections- 313 & 307 of the IPC has been committed or not. 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 Additional Chief Judicial Magistrate-VIII, Motihari, East Champaran in connection with Patahi P.S. Case No. 125 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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