

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28549 of 2021

Arising Out of PS. Case No.-28 Year-2020 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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1. BIRENDRA SAH SON OF BALCHAND SAH Resident of Village - Akhleshpur, P.s.- Bhabua, Distt.- Kaimur at Bhabua.
 2. SUNIL SAH SON OF BALCHAND SAH Resident of Village - Akhleshpur, P.s.- Bhabua, Distt.- Kaimur at Bhabua.
 3. BIBHA DEVI W/O BIRENDRA SAH Resident of Village - Akhleshpur, P.s.- Bhabua, Distt.- Kaimur at Bhabua.
 4. MUNGA DEVI W/O BALCHAND SAH Resident of Village - Akhleshpur, P.s.- Bhabua, Distt.- Kaimur at Bhabua.
 5. BALCHAND SHAH SON OF GHURA SAH Resident of Village - Akhleshpur, P.s.- Bhabua, Distt.- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. ANTIMA KUMARI W/O RAVINDRA SHAH, D/O SHIVPUJAN PRASAD GUPTA Resident of Village - Akhleshpur, P.s.- Bhabua, Distt.- Kaimur at Bhabua. At present address- Bhabua ward no.2, Astbhuji Chouk, (Bhabua), P.S.- Bhabua, Distt.- kaimur at Bhabua.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-07-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Learned counsel for the petitioners is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks after restoration of normalcy.

The petitioners are apprehending their arrest in a case
registered under Sections 498A, 504 and 506 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 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. The petitioner nos. 1 and 2 are brothers-in-law, petitioner nos. 3 and 4 are gotni and petitioner no. 4 is father-in-law, of the victim. 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/F.I.R.

Considering the aforesaid facts and circumstances and also the lockdown, the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of learned Chief



Judicial Magistrate, Kaimur at Bhabua in connection with Complaint Case No. 28 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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