

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.468 of 2022

Arising Out of PS. Case No.-267 Year-2021 Thana- ATRI District- Gaya

1. BIRENDRA SINGH @ BIRENDRA KUMAR SINGH Son of Late Ram Chandra Singh Resident of Village- Near Kali Mandir Shankar Colony, Bakar Bandh, P.S.- Dhanbad, District- Dhanbad, Jharkhand.
2. Kusum Singh Wife of Birendra Kumar Singh @ Birendra Singh Resident of Village- Near Kali Mandir Shankar Colony, Bakar Bandh, P.S.- Dhanbad, District- Dhanbad, Jharkhand.
3. Gaurav Singh Son of Birendra Kumar Singh @ Birendra Singh Resident of Village- Near Kali Mandir Shankar Colony, Bakar Bandh, P.S.- Dhanbad, District- Dhanbad, Jharkhand.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Udbhav, Advocate
For the Opposite Party/s	:	Mr.Narsingh Tanti, APP
For the Informant	:	Mr. Praveen Prakash, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 28-02-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the Office, within a period of four weeks.

The petitioners are apprehending their arrest in a case registered under Sections 323, 341, 498A, 504, 506/34 of the Indian Penal Code and ³/₄ of Dowry Prohibition Act.

Allegation against the petitioners is of committing torture and assault 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 have falsely been implicated in the present case due to petty family dispute. The petitioner no. 1 is father-in-law, petitioner no. 2 is mother-in-law and petitioner no. 3 is brother-in-law, of the victim. As far as allegation of Section 313 IPC is concerned, there is no medical evidence to show that the alleged offence has been committed. Except for offence under section 313 IPC, 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 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 twelve 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, Gaya in connection with Atri P.S. Case No. 267 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The petitioners are directed to co-operate during the trial. If the petitioners do not co-operate during the trial, the Court below will be at liberty to cancel the bail bonds of the petitioners.

If so advised, either of the parties will be at liberty to make an application before the Court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

(Sudhir Singh, J)

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