

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58363 of 2024

Arising Out of PS. Case No.-140 Year-2023 Thana- GOPALPUR District- West Champaran

1. Mukesh Sah Son Of Dhrup Sah Resident of Vill- Sundargawa, P.S.- Gopalpur, Dist- West Champaran
2. Dhrup Sah Son Of Late Mohan Sah Resident of Vill- Sundargawa, P.S.- Gopalpur, Dist- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rukmati Devi Wife Of Mukesh Sah, D/O- Rajdev Sag Village- Ramnagari, Ps- Mainatand, Dist- West Champran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.
For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 20-11-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Gopalpur P.S. Case No. 140 of 2023 dated 12.09.2023,
instituted for the offence punishable under Sections 323, 498A,
314, 308 of the Indian Penal Code and Section 3/4 of D.P. Act.

3. The allegation against the petitioners is that they
used to torture the complainant for the demand of dowry.

4. Learned counsel for the petitioners submits that
petitioner no. 1 is the husband of opposite party no. 2 and
petitioner no. 2 is the father-in-law of opposite party no. 2.



5. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that on 16.02.2023, the sister of the petitioner no. 1 has lodged Mahila P.S. Case No. 08 of 2023 under Sections 376 of the I.P.C. and Section 4/6 of the POCSO Act against full brother of the present informant, namely, Rupesh Sah. It is submitted that Rupesh Sah had gone in judicial custody in Mahila P.S. Case No. 08 of 2023 lodged by sister of petitioner no. 1 and daughter of petitioner no. 2. When he came out of jail, he got this false case registered against the petitioners and other family members. Earlier, notices were issued to opposite party no. 2. From perusal of office report, it appears that the said notice was received personally by opposite party no. 2 but she didn't appear before this Court through her counsel. Lastly, it has been submitted that they have one criminal case against them.

6. Learned A.P.P. has opposed the prayer for bail of the petitioners.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Gopalpur P.S. Case



No. 140 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bettiah, West Champaran, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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