

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43069 of 2014

Arising Out of PS.Case No. -673 Year- 2014 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

Shivendra Kumar @ Shivendra Kumar Singh, son of Jitendra Kumar Singh, resident of Pankha Toli, P.S. Kaji Muhammad, Muzaffarpur, District-Muzaffarpur. At present posted as Branch Manager, IDBI Bank, Madhubani District-Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. P.K.Chaurasia (APP)

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

2 04-03-2015

This application under Section 438 Cr.P.C. is filed with a prayer to grant anticipatory bail to the petitioner in Complaint Case No.673 of 2014 in which cognizance has been taken for the offences punishable under Sections 498A, 323, read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

A.B.P. No.486 of 2014 was filed by the petitioner before the Court of Sessions Judge, East Champaran, Motihari and the same was dismissed on 09.10.2014. Hence, this application.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State and the learned counsel for the complainant.

The allegation against the petitioner is under Section 498A of the Indian Penal Code. It is no doubt true that the complainant made certain allegations stating that the petitioner and his family members demanded Rs.20,00,000/- as dowry. The truth or otherwise needs to be considered at the time of trial. The petitioner cannot be arrested on the basis of such allegation.

Hence, this application is allowed. In the event of arrest, the petitioner shall be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Motihari in connection with Complaint Case No.673 of 2014, subject to the conditions as laid down under Section 438(2) Cr. P.C.

(L. Narasimha Reddy, CJ)

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