

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44523 of 2014

Arising Out of PS.Case No. -47 Year- 2013 Thana -TIKAPATTI District- PURNIA

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Muso Mandal son of Late Kunaya Mandal, resident of village - Simra, P.S.-
Tikapatti, District - Purnea

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anupa Nand Jha, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

8 20-08-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

The present application under section 438 of the Code of Criminal Procedure has been filed seeking anticipatory bail in connection with Tikapatti P.S. Case No.47 of 2013 registered under section 304B read with 34 of the Indian Penal Code.

Though the petitioner was named in the FIR, on completion of investigation the police found accusation against the petitioner to be false and, accordingly, he was not sent up for trial. However, the learned Magistrate has differed with the police report and while taking cognizance of the offence summoned the petitioner also along with the charge-sheeted accused Patlu Mandal.

It is contended that the petitioner was not concerned in any manner with the alleged demand of dowry or subjecting the deceased to cruelty for non-fulfilment of the same. The family members of the deceased have made a vague allegation against the petitioner and by way of a non-speaking order the learned Magistrate has differed with the police report.

On the other hand, learned counsel for the State has opposed the prayer for bail.

Be that as it may, regard being had to the facts and circumstances of the case, in the event of arrest or surrender within a period of four weeks from the date of receipt/production of a copy of this order the above named petitioner shall be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Tikapatti P.S. Case No.47 of 2013 subject to the conditions as laid down under section 438(2) Cr.P.C.

(Ashwani Kumar Singh, J)

Md.S./-

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