

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42671 of 2015

Arising Out of PS.Case No. -1756 Year- 2010 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

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1. Birendra Kumar @ Birendra Kumar Poddar Son of Jaideo Poddar @
Ramdeo Resident of Village - Bhawanipur Naya Tola, P.S. - Nawgachhiya,
District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kumari Sunita, D/o Bishunudeo Poddar, resident of village - Simri, P.S.
Bakhtiyarpur, District - Saharsa.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Awadhesh Kumar Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

3 06-11-2015 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a complaint case
wherein process has been directed to be issued after cognizance
being taken under Section 498A of the Indian Penal Code and
section 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of
dowry demands.

Notices were issued to the complainant O.P. No. 2 vide
order dated 9.9.2015. The office note dated 4.11.2015 reflects that
the notice was received by the O.P. No. 2 but none appears on her
behalf.

It is submitted by the learned counsel for the petitioner that the petitioner was kidnapped and forced to marry with the complainant when Complaint Case No. 852 of 2010 was lodged leveling accusation under sections 342,346,357,365,417 and 504/34 IPC on 29.9.2010 which came to be registered as Gopalpur P.S. Case No. 289 of 2010 on 2.12.2010 whereas the present complaint was filed on 29.10.2010.

Considering the case lodged by the petitioner at earlier point of time, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Saharsa in connection with Complaint Case No. 1756C of 2010 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Anil/-

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