

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34909 of 2016

Arising Out of PS.Case No. -136 Year- 2015 Thana -COMPLAINT CASE District- BANKA

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Sandeep Yadav Son of Janardhan Yadav Resident of Village- Saupdhar,
Police Station- Baunshi, District- Banka

.... Petitioner/s

Versus

1. The State of Bihar
2. Parvati Devi Wife of Sandeep Yadav, Daughter of Naresh Yadav At
Present resident of village- Hanshdiha, Police Station- Hanshdiha,
District-Dumka (Jharkhand)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sinha

For the Opposite Party/s : Mr. Sri Chandrasen Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 29-08-2016

Heard learned counsels for the petitioner
and the State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case
wherein process has been directed to be issued after cognizance
being taken for the offences punishable under Sections 498A of
the Indian Penal Code and 4 of the Dowry Prohibition Act.

It is submitted by learned counsel for the
petitioner that the property has been partitioned and the
complainant has got her share.

It appears from the impugned order that

only summons have been issued. However, it is submitted by learned counsel for the petitioner thatailable warrant of arrest has been issued.

In view of the ratio laid down in the case of Salim Ansare alias Md. Salim Ansare and others Vs. The State of Bihar and Another reported in *PLJR 2015(3) 806*, this application is not maintainable.

Let the learned court below consider the prayer for bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Complaint Case No. 136 of 2015 pending in the court of learned Sub-divisional Judicial Magistrate, Banka. It is expected from the learned court below to dispose of the bail application of the petitioner preferably on the same day.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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