

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38702 of 2017

Arising Out of PS. Case No.-245 Year-2016 Thana- DALSINGHSARAI District- Samastipur

Kanhaiya Kumar, Son of Shankar Rajak, Resident of Village- Phulwaria Ganj,
P.S.- Phulwaria, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Kavita Kumari, Daughter of Ramdev Rajak, Resident of Village & P.O.-
Madhaipur, P.S.- Dalsingsarai, District- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Fahimuddin, Advocate
For the State : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-09-2017 None appears on behalf of the opposite party No.2.

Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case
registered under Sections 341, 323, 504 and 498A of the Indian
Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act.

Allegation against the petitioner is of committing torture
upon the victim due to non-fulfilment of demand of dowry.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation
of tampering of witnesses alleged against the petitioner. The
petitioner has falsely been implicated in the present case due to
petty family dispute. The case is triable by the Magistrate. The



petitioner has relied upon the judgment of this Court in the case of Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Dalsingsarai, Samastipur in connection with Dalsingsarai P.S. case No.245 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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