

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.13148 of 2017**

Arising Out of PS.Case No. -26 Year- 2017 Thana -AURANGABAD TOWN District-  
AURANGABAD

=====

Uma Shankar Prasad, son of Late Sarju Prasad, resident of Village- Dani  
Bigha, P.S. Aurangabad (T), Dist- Aurangabad, Bihar.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Ranjit Kumar, Advocate

For the Opposite Party : APP

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL ORDER

2     18-03-2017                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner is in custody since 23.01.2017 in connection with Aurangabad (Town) P.S. Case No. 26 of 2017 for the offences alleged under Sections 498(A), 506 of the Indian Penal Code and 37 (Kha)(Gha) of the Bihar Excise Act.

3. It is submitted that the petitioner has been falsely implicated and in any event even on the averments in the F.I.R., the ingredients of the offence under Section 498(A) of the Indian Penal Code are not made out against the petitioner who is the husband of the informant as there is no accusation of demand of dowry etc. whatsoever. The parties were married as far back as in 1981, and as such on the face of it, it is highly improbable even otherwise that the petitioner would have demanded dowry. The further accusation



of being intoxicated is denied. Except a case of similar nature involving Section 498(A) of the Indian Penal Code instituted in the year 2009 by the informant, there is no other criminal antecedent.

4. Having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, in connection with Aurangabad (Town) P.S. Case No. 26 of 2017.

**(Vikash Jain, J)**

Md. Ibrarul/psc

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