

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26319 of 2017

Arising Out of PS. Case No.-1396 Year-2015 Thana- COMPLAINT CASE District- Banka

Bijoy Yadav @ Bijay Yadav Son of Mangaru Yadav, Resident of Village-
Mohipur, P.S.- Katora, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Shila Devi, W/o Bijoy Yadav, D/o Lalo Manda, R/o Village- Maniya, P.S.-
Katoria, District- Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr. RAM PRIYA SARAN SINGH, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 19-09-2017 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the opposite party No.2.

The petitioner is apprehending his arrest in a case registered under Sections 498A, 323, 379, 504, 354(B) of the Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act, but cognizance has been taken under Section 498(A) of the I.P.C. only.

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

The matter was referred to the Mediation Centre. The parties had agreed to stay together, but during the pendency of the application the parties have again separated and are not staying together.

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 and learned counsel for the opposite party No.2, it is submitted that the petitioner is named in the complaint case.

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 Additional Chief Judicial Magistrate II, Banka in connection with Complaint case No.1396C of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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