

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42716 of 2017

Arising Out of PS.Case No. -126 Year- 2016 Thana -KOTWA District-
EASTCHAMPARAN(MOTIHARI)

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1. Mukesh Kumar @ Prashant Kumar @ Prabhat Kumar Son of Ganga Bishun Prasad @ Ganga Bishun Prasad Sah, R/o Village- Karariya, P.S.- Kotwa, District- East Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. Babita Devi W/o Mukesh Kumar @ Prashant Kumar @ Prabhat Kumar D/o Khedu Sah, Metrimonial address , Vill.- Karariya, P.S.- Kotwa, Dist.- East Champaran But residing at paternal home at Vill.- Ajgari, P.S.- Banjariya, District- East Champaran.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar
For the Opposite Party/s : Mr. Suresh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-09-2017 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks bail in a case instituted under Sections 498(A), 341, 323/34 of the Indian Penal Code and 3 & 4 of D.P. Act.

The allegation against the petitioner is of committing torture upon the victim due to non-fulfillment of the demand of dowry.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 01.08.2016. 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. The case is triable by the Magistrate. Due to petty family dispute, the present case has been instituted against the petitioner. The petitioner has further relied upon the judgment of this court, in the case of ***Md. Naimul Haque Ansari Vs. The State of Bihar, reported in 2006(3) PLJR 182.***

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

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Motihari, East Champaran, in connection with Kotwa P.S. Case No.126 of 2016.

(Sudhir Singh, J)

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