

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22197 of 2017

Arising Out of PS.Case No. -1029 Year- 2015 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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Anil Kumar Upadhyay, Son of Srinivas Upadhyay, Resident of Village-
Kathwa, P.S. Rajpur, District- Buxar.

.... Petitioner

Versus

1. The State of Bihar.
2. Arti Devi, Wife of Anil Kumar Upadhyay, resident of Village-
Kathwa, P.S. Rajpur, District- Buxar at present residing at village-
Saraiyan, P.S. Kochas, District- Rohtas.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Pravin Kumar Sinha, Advocate.
For the State : Mr. Pramod Kumar Pandey, Advocate.
For O.P. No. 2 : M/S. Sanjay Kumar and Surendra Kumar
Choubey, Advocates.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

7 11-12-2017 Heard learned counsel for the petitioner, learned A.P.P.
for the State and learned counsel for the opposite party no. 2.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 498(A), 420 and 120(B) of
the IPC.

The prosecution story, in brief, is that the accused
persons including the petitioner tortured the victim due to non-
fulfillment of demand of dowry.



Vide order dated 01.07.2017, the matter was referred to the Patna High Court Mediation Committee. As per report of the Mediator, mediation has failed.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the 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 further 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 learned counsels for the State and opposite party no. 2, it has been submitted that the petitioner is named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or 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 the learned C.J.M. Sasaram, in connection with Complaint Case No. 1029/2015, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

