

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29088 of 2017

Arising Out of PS.Case No. -165 Year- 2015 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

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1. Radheshyam Yadav Son of Late Jhapas Yadav, Resident of Village-
Inglishiya, P.S.- Chautarwa, District- West Champaran.

.... Petitioner

Versus

1. The State of Bihar.

2. Asha Devi, W/o Radheshyam Yadav, D/o Laloo Yadav, R/o Village-
Inglishia, P.S.- Chautarwa, District- West Champaran, presently At Jaini
Tola, P.S.- Chautarwa, District- West Champaran.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Anand Kishore Choudhary

For the Opposite Party/s : Mr. Binod Kumar 3

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 19-12-2017 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel appearing on behalf of
the O.P. No.2.

The petitioner is apprehending his arrest for the
offence instituted under Sections 498A and 323 of the Indian
Penal Code.

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

Vide order dated 04.09.2017, the matter was referred
to the Mediation and Conciliation Centre, Patna High Court, Patna
but as per report of the Mediator, the mediation has failed.

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. 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 and counsel for the O.P. No.2 it has been submitted that the petitioner is named in the Complaint Case.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Tr. No. 3660/2016, arising out of Complaint Case No.C-165 of 2015 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Bagaha, West Champaran, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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