

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.26888 of 2017**

Arising Out of PS.Case No. -26 Year- 2017 Thana -MANIHARI District- MUZAFFARPUR

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1. Mithun Kumar Son of late Bhajan Sah resident of village Gidha Madhopur, P.S. Maniyari, Distt. Muzaffarpur.

.... .... Petitioner

Versus

1. The State of Bihar.  
2. Sarita Kumari wife of Mithun Kumar R/o Village Gidha Madhopur, P.S. Maniyari, Distt. Muzaffarpur. At present Daughter of Sipahi Sah, Resident of Village and Post Office - Sumera, Police Station - Kurahani, Distt. Muzaffarpur.

.... .... Opposite Parties

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**Appearance :**

For the Petitioner/s : Mr. Alok Kumar Jha  
For the Opposite Party/s : Mr. Sri Chaubey Jawahar

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

6      09-11-2017                      Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the O.P. No.2.

The petitioner is apprehending his arrest in a case instituted under Section 498(A) 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, 05.09.2017, the matter was referred to the Mediation and Conciliation Centre, Muzaffarpur but as per the 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 F.I.R.

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 Maniyari P.S. Case No. 26 of 2017, on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Muzaffarpur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

Amit/-

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