

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17969 of 2017

Arising Out of PS.Case No. -77 Year- 2016 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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Shashi Kumar @ Shashi Kumar Sah, Son of Om Prakash Prasad @ Om Prakash Sah, Resident of Village-Kanana, P.S.-Razaul, Dist.-East Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. Archana Devi, Wife of Shashi Kumar @ Shashi Kumar Sah, At Present Resident of Village-Hasanpur, P.S.-Kotwa, Dist.-East Champaran.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Dhurendra Kumar, Advocate.
For the State : Mr. Binod Kumar, A.P.P.
For the complainant : M/S. Anwar Karim, Suresh Mukhiya and
Ambuj Kumar Chandra, Advocates.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 20-07-2017 Heard learned counsels for the petitioner, complainant
and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Trial No. 2912/2017, arising out of Complaint Case No. C-77/2016 for the offences instituted under Sections 498(A) of the IPC and 4 of the D. P. Act.

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

It has been submitted on behalf of the petitioner that the



petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The case is triable by the Magistrate. He has falsely been implicated in the present case due to petty family dispute. 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. It has been submitted on behalf of learned counsels for both parties that the petitioner and the complainant are agree to stay together. The petitioner shall keep the complainant at his native village as he is in C.R.P.F. and posted in the State of Jammu & Kashmir. The said offer has been accepted by the learned counsel for the complainant.

On behalf of the learned counsel for the State, it has been submitted that there is no objection to the submissions made on behalf of learned counsels for the petitioner and the complainant.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on 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 Trial No. 2912/2017, arising out of Complaint Case No. 77/2016 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned S.D.J.M., Raxaul at
Motihari, subject to the conditions as laid down under Section
438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

