

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35968 of 2017

Arising Out of PS.Case No. -779 Year- 2016 Thana -COMPLAINT CASE District- ARRARIA

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Vijay Anand son of Shree Basudeo Prasad Mahto, Resident of Village-Prakash Bhawan, Hospital Road, Forbesganj Police Station Forbesganj, District Araria at present Assistant Comandent, C.R.P.F., Mednapur West Bengal.

.... Petitioner

Versus

1. The State of Bihar.
2. Prashansha Kumari wife of Shree Vijay Anand Daughter of Radheshyam Mahto, Resident of Village- Mahgama, Police Station Mahgama, District Godda (Jharkhand). Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Rama Nand Poddar

For the Opposite Party/s : Mr. Ahtash Ali Khan

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

02 10-08-2017 Heard learned counsel for the petitioner, learned counsel for the complainant and learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection with Complaint Case No. 779 of 2016 for the offence instituted under Sections 498A, 307, 325 and 504/34 of the Indian Penal Code but the learned Magistrate took cognizance of the offence under Section 498A of the Indian Penal Code only.

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 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 the counsel for the complainant, 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 Complaint Case No. 779 of 2016 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Araria, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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