

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41178 of 2017

Arising Out of PS.Case No. -36 Year- 2013 Thana -MAHILA P.S. District- BHABHUA (KAIMUR)

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Amit Raj son of Shri Shankar Singh, resident of village Nipran, P.S. Durgawati, District Kaimur at present near Motilal Public School, company Flat No.0003, K Type Bagmati Road, Northern Town Area, P.S. Shakchi Jamshedpur, near Rajendra 10+2 High School, Jamshedpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Sadhna Kumari D/o Sri Baban Singh, resident of village Lalapur, P.S. Kudra, District Kaimur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh, Advocate
For the State : Mr. Akbar Ali, APP
For the Informant : Mr. Pawan Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-08-2017 It has been submitted on behalf of the petitioner that the petitioner had preferred an anticipatory bail on the earlier occasion also vide Cr.Misc.No.24612 of 2014, where the said application was withdrawn with liberty to renew, if necessary, for the reason that the petitioner was granted interim stay in respect to the criminal prosecution in Cr.Misc.No.53324 of 2013, which was under Section 482 Cr.P.C. The said quashing application of the petitioner has been dismissed as no settlement between the parties could take place. Hence, in light of the liberty granted to the petitioner vide Annexure-1, the present application has been preferred.

Heard learned counsel for the petitioner, learned APP



for the State and learned counsel for the Opposite Party No.2.

The petitioner is apprehending his arrest in a case registered under Section 498(A)/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

Allegation against the petitioner is of committing torture upon the victim 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 of 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 State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/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 learned S.D.J.M., Kaimur at Bhabhua in connection with Mahila P.S. (Bhabua) case No.36 of 2013, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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