

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40957 of 2017

Arising Out of PS.Case No. -57 Year- 2017 Thana -GAMAHARIYA District- MADHEPURA

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1. Subhash Mandal @ Subhash Kumar Mandal Son of Sri Mahendra Narayan Mandal Resident of Village-Jaluar, P.s. Gamharia District-Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rakhi Kumari Daughter of Bharos Chaudhary, Resident of Village-Arer, P.S. Arer District-Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-08-2017 Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner is apprehending his arrest in a case registered under Section 498(A)/34 of the Indian Penal Code and 3/4 of 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 Additional Chief Judicial Magistrate III, Madhepura in connection with Gamhariya P.S. case No.57 of 2017, 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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