

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45232 of 2017

Arising Out of PS. Case No.-135 Year-2016 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

Radheshyam Kumar Sharraf @ Radheshyam Kumar son of late Brij Mohan Sah Sharraf, resident of Naga Road, Raxaul, Police Station Raxaul, District East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Nibha Devi daughter of Satrudhan Sah Sarraf, resident of village Kaleya, Police Station Kaleya, District Bara (Nepal)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Opposite Party/s : Smt. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-09-2017 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 398A, 323, 504, 506 of the Indian Penal Code and $\frac{3}{4}$ 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 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 complaint case.

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 Sub Divisional Judicial Magistrate, Raxaul at Motihari in connection with Trial No.3103 of 2017 arising out of Complaint case No.C-135 of 2016, 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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