

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40936 of 2017

Arising Out of PS.Case No. -70 Year- 2017 Thana -BUXAR INDUSTRIAL District- BUXAR

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Rajeev Kumar Gupta son of Uma Kant Prasad, resident of village Karhansi, P.S. Buxar (Muffasil), District (Buxar), at present Bara-2, Behind Bandana Sweet House (Yadav Katra) near Bank of Baroda, Building No.377, Single Story, Kanpur (U.P.)

.... Petitioner/s

Versus

1. The State of Bihar
2. Sabita Kumari @ Sanju Kumari wife of Rajeev Kumar Gupta and daughter of Shankar Ji Prasad, resident of Chhotaki Sarimpur, near Kali Asthan, Ward No.15, P.S. Buxar (Industrial), District Buxar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Satyapal Singh, Advocate
For the State : Mr. Manish Kumar 2, APP
For Opposite Party No.2 : Mr. Ram Chandra Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-08-2017 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 Sections 498(A), 323 of the Indian Penal Code and 34 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 and learned counsel for the Opposite Party No.2, 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 Chief Judicial Magistrate, Buxar in connection with Buxar (Industrial) P.S. case No.70 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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