

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.41101 of 2017**

Arising Out of PS.Case No. -22 Year- 2017 Thana -MAHILA P.S. District- NAWADA

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Mukesh Kumar son of Kailash Prasad Mahto, resident of village Palatpur,  
P.S. Katarisarai, District Nalanda

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. Madhu Kumari D/o Sri Sambhu Sharan Prasad, R/o village Thalposh,  
P.O. Bhatta, P.S. Pakaribarawan, Dist. Nawada

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner : Mr. Rajeev Nayan, Advocate  
For the State : Smt Sangeeta Sharma, APP  
For Opposite Party No.2 : Mr. Deepak Kumar, 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 Section 341, 323, 498(A)/34 of the Indian Penal Code and ¾ 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 A.C.J.M. III, Nawada in connection with Mahila (Nawada) P.S. case No.22 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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