

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50848 of 2017

Arising Out of PS.Case No. -27 Year- 2017 Thana -MAHILA P.S. District- NAWADA

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1. Kamlesh Mahto son of Krishna Mahto, resident of Village- Amarath,
P.S.- Jamui, District- Jamui.

.... Petitioner

Versus

1. The State of Bihar.
2. Neelam Kumari wife of Kamlesh Mahto, D/o. Suresh Mahto, resident of
Village- Ballopur, P.S.- Warishaliganj, District- Nawada.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Umesh Prasad

For the Opposite Party/s : Mr. Arun Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-11-2017 Heard learned counsel for the petitioner, learned for the

State and learned counsel for the O.P. No.2.

The petitioner is apprehending his arrest in a case
instituted under Sections 341, 323, 498(A), 494, 504, 34 of the
Indian Penal Code and 34 of D.P. Act.

The allegation against the petitioner is of committing
torture upon the victim due to non-fulfillment of the 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. The case



is triable by the Magistrate. Due to petty family dispute, the present case has been instituted against the petitioner. The petitioner has further relied upon the judgment of this court, in the case of ***Md. Naimul Haque Ansari Vs. The State of Bihar, reported in 2006(3) PLJR 182.***

On behalf of the State and counsel for the O.P. No.2, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Mahila P.S. Case No. 27 of 2017, on furnishing bail bond 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, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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