

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60087 of 2017

Arising Out of PS.Case No. -399 Year- 2016 Thana -COMPLAINT CASE District- JAMUI

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1. Birendra Kumar @ Birendra Kumar Modi Son of Ramprit Prasad
Resident of Village- Kataiya, P.S . Kataiya, District Gopalganj.

.... Petitioner

Versus

1. The State of Bihar.
2. Shipra Bharti D/o late Briznandan Modi, W/o Kundan Kumar Resident
of village Ghanberiya, P.S. Khaira, District Jamui.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh

For the Opposite Party/s : Mr. Braj Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-12-2017 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel appearing on behalf of
the O.P. No.2.

The petitioner is apprehending his arrest in a case
instituted under Sections 323, 379, 498A of the Indian Penal Code
and 3/4 of D.P. Act but cognizance has been taken under Section
498A of the Indian Penal Code and ¾ 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 case is triable by the Magistrate. The petitioner has falsely been implicated in the present case. The petitioner is Bhaisur of the victim. He is separate in mess and property from the husband of the victim. 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 Complaint Case.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of six weeks from today in connection with Complaint Case No.399C/2016 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Jamui, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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