

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9331 of 2017

Arising Out of PS. Case No.-877 Year-2009 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Rajesh Prasad @ Rajesh Sah @ Rajesh Kumar, Son of Jagat Prasad, Resident of village - Chhotka Tola, Police Station - Chanpatiya, District - West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pratima Devi, Wife of Rajesh Prasad, and Daughter of Ekbali Prasad, Resident of village - Basta Bazar, Police Station Mainatand District - West Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7, Advocate
For the Opposite Party/s : Mr. NITYANAND, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 18-09-2017 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending his arrest in a case registered under Section 498A of the Indian Penal Code and 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 learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Trial No.254 of 2016 arising out of Complaint case No.877C of 2009, 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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