

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46187 of 2017

Arising Out of PS.Case No. -1062 Year- 2014 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

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Mithilesh Pathak, S/O of Indra Dev Pathak, R/V- Pathak Tole, Benipatti,
P.S.Benipatti, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Alka Devi, W/O Mithilesh Pathak and D/O Rajendra Jha, at present
R/V- Basant, P.S. Jale, District-Darbhanga.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Ravindra Kumar Singh, Advocate.

For the State : Mr. Pranav Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-09-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with C.R. Case No. 9407/2014 and 1062/2014, T.R. No. 3950 of
2015 for the offences instituted under Sections 323, 379, 498(A)
of the IPC and ¾ of the D.P. Act.

The prosecution story, in brief, is that the accused
persons including the petitioner tortured the complainant due to
non-fulfillment of demand of dowry.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent. There
is no allegation of tampering with the witnesses alleged against the



petitioner. He 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.

It has been submitted by learned counsel for the State that the petitioner is named in the complaint case.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on 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 Complaint Case No. 9407 of 2014 and 1062 of 2014 on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Madhubani, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

