

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51023 of 2017

Arising Out of PS.Case No. -90 Year- 2017 Thana -HATHUA District- GOPALGANJ

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1. Shyam Mishra Son of Gauram Mishra @ Gauram Sharma, Resident of Village-Khajua Kalam, Police Station-Vijaipur, District-Gopalganj.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Smt. Asha Kumari

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 19-12-2017 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 341, 323, 406, 498(A), 120(B) of the Indian Penal Code.

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 Complaint Case/F.I.R.

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 Hathua P.S. Case No.90 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 C.J.M., Gopalganj, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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