

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55031 of 2017

Arising Out of PS. Case No.-580 Year-2014 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Saroj Kumar Dubey @ Saroj Dubey son of Narmdeshwar Dubey resident of Mohalla - Sri Krishna Nagar, P.S. - Motihari Town, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Chandra Kishore Chaubey son of Late Sukdeo Chaubey resident of Mohalla - Belbanwa, Ward No. 22, P.S. Motihari Town, District East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Umakant Shukla, Advocate
		Mr. Shakti Suman Kumar, Advocate
For the State	:	Mr. Anil Prasad Singh, APP
For opposite party No.2	:	Mr. Vijay Shankar Srivastava, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-12-2017 Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the opposite party No.2.

The petitioner is apprehending his arrest in a case registered under Section 498A of the Indian Penal Code.

The earlier anticipatory bail application of the petitioner was dismissed as withdrawn as a separate quashing application was also preferred by the petitioner in which he was granted stay of the further proceeding and in the said circumstances, there was no apprehension of arrest. Hence, the petitioner had withdrawn the said application, subject to the final order passed in the aforesaid quashing application i.e. Cr.Misc.No.2184 of



2015. The said quashing application of the petitioner was allowed and the matter was remitted back to the court below. Thereafter again the court below has taken cognizance for offence under Section 498A of the I.P.C. Hence, the present anticipatory bail has been preferred on behalf of the petitioner.

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 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 Sub Divisional Judicial Magistrate, Sadar, Motihari in connection with Complaint case No.580 of 2014 giving rise to Trial No.823 of 2017, 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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