

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57961 of 2017

Arising Out of PS.Case No. -1175 Year- 2016 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

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1. Rakesh Kumar Son of Late Bindeshwari Sah Resident of Mohalla -
Sanskar Vatika Road, Mungeriganj, Near Durga Asthan, Ward No. 33, P.S.
- Town, District - Begusarai.

.... Petitioner

Versus

1. The State of Bihar.
2. Sarita Devi Wife of Rakesh Kumar Resident of Mohalla - Bahadurpur,
Ward No. 26, P.S. - Town, District - Samastipur.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Dr. Ajeet Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-12-2017 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the O.P. No.2.

The petitioner is apprehending his arrest in a case
instituted under Sections 323, 498(A), 379, 504/34 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.

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.1175/2016 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Samastipur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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