

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30055 of 2017

Arising Out of PS.Case No. -184 Year- 2016 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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1. Rajesh Kumar S/o Krishan Mohan Prasad, resident of Village-
Babhanima, P.S.- Barbigaha (Keuti), District- Sheikhpura.

.... Petitioner

Versus

1. The State of Bihar.

2. Punam Kumari w/o Rajesh Kumar, resident of Village- Babhanima, P.S.-
Barbigaha (Keuti), District- Sheikhpura. At present residing in Punam
Kumari D/o Karu Yadav, resident of Village- Duddla Bigaha, P.S.- Sare,
District- Nalanda.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Shardanand Mishra
Mr. Dhananjay Kumar Gupta
Mr. Ashok Kumar Yadav

For the Opposite Party/s : Mr. Raj Kishor Prasad

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 12-10-2017 Heard learned counsel for the petitioner, learned
counsel for the Opposite Party No.2 and learned counsel for the
State.

The petitioner seeks bail in a case instituted under
Sections 323, 341, 379, 498(A), 406/34 of the Indian Penal Code
and 3/4 of D.P. Act but cognizance has been taken under Section
498A/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.

The matter was referred to the Mediation Centre,
Patna High Court, Patna vide order dated 11.07.2017 but as per



report of the Mediator, the mediation failed.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 29.04.2017. 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 Opposite Party No.2, it has been submitted that the petitioner is named in the Complaint Case.

Considering the aforesaid facts and circumstances, the provisional bail granted to the petitioner vide order dated 11.07.2017 is hereby confirmed, in connection with Complaint Case No.184C of 2016, pending in the court of learned A.C.J.M., VII, Biharsharif, Nalanda/Successor Court.

(Sudhir Singh, J)

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