

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33869 of 2017

Arising Out of PS.Case No. -339 Year- 2016 Thana -PATNA COMPLAINT CASE District-
PATNA

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Chandan Kumar Son of Late Chandeshwar Prasad, R/o Mahadev Nagar,
Sheikhpura, P.S.& District- Sheikhpura.

.... Petitioner

Versus

1. The State of Bihar.
2. Jyoti Kumari W/o Chandan Kumar, D/o Mahavir Sao, R/o Athmalgola Bazar, P.S.- Athmalgola Bazar, District- Patna.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Ajit Kumar, Advocate.
For the State : Mr. Sanjay Kumar Tiwary 1, A.P.P.
For the Complainant : Mr. Arun and Mr. Sanjay Kumar, Advocates.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-07-2017 Heard learned counsels for the petitioner, complainant
and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Barh Complaint Case No. 339/C/2016 for the offences instituted under Sections 312, 313, 315, 498(A) of the IPC and ¾ of the D.P. Act in which cognizance has been taken under Sections 323, 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-fulfilment of 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 with the witnesses alleged against the petitioner. He has falsely been implicated in the present case due to petty family dispute. 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. Vide Annexure-2, an order of divorce has already been passed on 28.04.2017 by the Principal Judge, Family Court, Sheikhpura.

On behalf of the learned counsels for the State and the complainant, 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 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. 339/C/2016 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Barh, Patna, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)