

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27284 of 2017

Arising Out of PS.Case No. -5 Year- 2017 Thana -BIHPUR District- BHAGALPUR

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1. Munna Goswami @ Amresh Kumar @ Amresh Goswami, Son of Jagdish Gosowami, resident of Village Nagarpara, Police Station Bihpur (Bhawanipur), District- Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar.

2. Punam Devi, Wife of Munna Gosowami @ Amresh Goswami, daughter of Bhramdeo Goswami, Resident of Village Bithla, P.O. Baisa, Police Station- Parbatta, District- Khagaria.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Vinod Shankar Modi

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 09-11-2017 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

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

Vide order dated 21.09.2017, notice was issued upon the O.P. No.2 but today when the matter is taken up, none appears on behalf of the O.P. No.2.

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, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on anticipatory 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 Bihpur (Bhawanipur) P.S. Case No. 05 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 S.D.J.M., Naugachia, Bhagalpur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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