

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43174 of 2016

Arising Out of PS.Case No. -219 Year- 2015 Thana -NOKHA District- SASARAM (ROHTAS)

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Sri Bhagwan Choudhary son of Manager Choudhary

.... Petitioner/s

Versus

1. The State of Bihar

2. Pushpa Kuer wife of Late Rabindra Choudhary

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikram Deo Singh

For the Opposite Party/s : Mr. Parmatma Singh

For the State : Mr. Ajay Kumar No. 2

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

10 05-07-2017 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of opposite party No. 2 as well as
learned counsel for the State.

The petitioner is elder brother of the deceased husband of
the victim lady who is apprehending his arrest in connection with
Nokha P.S. Case No. 219/15 registered for the offences punishable
under Sections 323/498A/376/120(B) of the Indian Penal Code.

It appears from the facts as recorded in the complaint case
that the process of mental torture to the victim lady started soon
after the death of her husband and continued for a considerable
length of time and finally she has been ousted from her
matrimonial home. It also appears that despite having made
specific allegation against the petitioner neither was she produced
for medical examination nor her statement under Section 164 Cr.
P.C. was ever recorded. However, prima facie, the allegations



appears to be true and which clearly disentitles the petitioner from any relief under Section 438 of the Code of Criminal Procedure.

This application for grant of anticipatory bail stands dismissed.

(Anjana Mishra, J)

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