

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26636 of 2017

Arising Out of PS.Case No. -46 Year- 2016 Thana -MAHILA PS District- GAYA

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1. Abhay Kumar, Son of Baliram Paswan, resident of Village- Delha,
Police Station- Delha, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rabina Kumari, Wife of Abhay Kumar, daughter of Sukar Paswan,
resident of Mohalla- Shahid Bhagat Singh Colony, Mustafabad, Police
Station- Rampur, District- Gaya.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 12-10-2017 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is apprehending his arrest for the
offence instituted under Section 498A, 323, 34 of the Indian Penal
Code and 3/4 of D.P. Act.

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 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 Mahila P.S. Case No.46 of 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, Gaya, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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