

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38230 of 2017

Arising Out of PS.Case No. -778 Year- 2016 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

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Phoolkesh Kumar, S/O Sachidanand Sharma @ Sachin, R/V- Bhatauni,
Ward No. 9, P.S. Simri Bakhtiyarpur, District-Saharsa. Petitioner
Versus

1. The State of Bihar.
 2. Shanti Devi, W/O Phoolkesh Kumar, D/O Late Chhedilal Sharma, R/V-
Manauri, P.S. Sonvarsha Raj, District-Saharsa..... Opposite Parties
- =====

Appearance :

For the Petitioner : Mr. Pankaj Kumar Sinha, Advocate.
For the State : Mr. Panchanand Pandit, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-08-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Complaint Case No. 778/2016 for the offences instituted
under Sections 498(A) of the IPC and 4 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 case is triable by the Magistrate. 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.

On behalf of the State, 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. 778/2016 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., Saharsa, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

