

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44477 of 2017

Arising Out of PS.Case No. -2808 Year- 2015 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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PRAKASH KASHYAP @ PRAKASH KASHYAM, S/O Vishwa Mohan Kumar @ Vishwa Mohan Singh, R/V- Rajepur Nawada, P.S. Pakari Dayal, District-East Champaran, at present ESI Colony Bataganj, Digha, Qr. No. ¾, P.S. Digha, District-Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. Bipin Kumar Choudhary, S/O Late Rameshwar Choudhary, R/V- & P.S. Garhpura, District-Begusarai. At present- resident of Mohalla-Kolhua, Paigambarpur Bairiya, P.S. Ahiyapur, District-Muzaffarpur.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Usha Kumari Singh, Advocate.
For the State : Mr. Shailendra Kumar Singh, A.P.P.
For the Complainant : Mr. Pradeep Kumar Sinha, Advocate and Mrs. Punam Srivastava, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-09-2017 Heard learned counsels for the petitioner, complainant and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Complaint Case No. 2808 (C) of 2015, Trial No. 2646 of 2016 for the offences instituted under Sections 498(A), 323, 504 of the IPC and 3/4of the D. P. Act.

The prosecution story, in brief, is that the accused persons including the petitioner tortured the daughter of the complainant due to non-fulfillment of demand of dowry.

It has been submitted by learned counsel for 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.

It has been submitted by learned counsels for the State and the complainant 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. 2808/2015 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. (East), Muzaffarpur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

