

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29624 of 2018

Arising Out of PS.Case No. -2 Year- 2018 Thana -BANKA District- BANKA

=====

Kedar Singh S/o Late Shital Singh, R/o Vill.- Danra, P.S.- Banka, District- Banka, At present R/o Shantinagar Jhirwa, Katoria Road, P.S.- Banka, District- Banka.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Ajay Kumar Thakur, Advocate and Mr. Mrityunjay Kumar, Advocate.

For the State : Mr. Dilip Kumar, A.P.P.

For the O.P. No. 2 : Mr. Sushil Kumar Singh, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 14-05-2018 Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for the opposite party no. 2.

The petitioner is languishing in custody since 02.01.2018 in a case for the offence registered under Sections 341, 342, 323, 307, 498(A), 120(B) of the IPC and Section 3/4 of the D. P. Act.

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

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the



petitioner. The petitioner has falsely been implicated in the present case due to petty family dispute. From perusal of injury report, it is evident that two superficial burn injuries are there on non-vital part of body of the victim. The said injuries are said to be simple in nature. Hence, no offence under Section 307 IPC is made out. Rests of the offences are triable by the Magistrate. The petitioner is the father-in-law of the victim. He is separate in mess and property from the husband of the victim. 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 learned counsels for the State and opposite party no. 2, it has been submitted that the petitioner is named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka, in connection with Banka P.S. Case No. 02 of 2018.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)