

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51610 of 2018

Arising Out of PS.Case No. -802 Year- 2017 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN (MOTIHARI)

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1. Vivek Kumar, Son of Sri Arun Kumar Mishra, resident of Village- Near
Old Radha Devi Girls High School, Sikandarpur, P.S. Town, District-
Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Khushboo Kumari, Wife of Vivek Kumar, D/o Virendra Kumar Singh,
resident of Mohalla- Sikandarpur, P.S.- Muzaffarpur, District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Babita Kumari

For the Opposite Party/s : Mr. Sunil Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-09-2018 Heard learned counsel for the petitioner and learned APP for
the State.

The petitioner is apprehending his arrest in a case registered
under Section 498A of the Indian Penal Code.

Allegation against the petitioner is of committing torture
upon the victim due to non-fulfillment of demand of dowry.

It has been submitted on behalf of the petitioner that there is
no allegation of tampering of witnesses alleged against the
petitioner. The petitioner has falsely been implicated in the present
case due to petty family dispute. On earlier occasion also, the
victim and her family members have instituted a case for similar



nature of offence against the petitioner and his family members. The case is triable by the Magistrate. The petitioner has 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 is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Complaint Case No. 802 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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