

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.62381 of 2018

Arising Out of PS.Case No. -102 Year- 2017 Thana -SITAMARHI District- SITAMARHI

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Sunil Sah @ Sunil Kumar, S/o Late Kapleshwar Sah @ Late Kapileshwar Sah, resident of Village Tikauli P.S. Runisaidpur, District- Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar.
2. Menka Devi, W/o Sunil Sah, at present residing at C/o Mosmat Man W/o Late Mahendra Sah of Village Sumauhati, P.S. Runisaidpur, District- Sitamarhi.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Uday Kumar, Advocate.

For the State : Mr. Matloob Rab, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 05-10-2018

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 498(A), 323, 325, 307, 379, 494, 120(B) of the IPC and ¾ of the D.P. Act in which charge sheet has been submitted under Sections 498(A) and 494/34 of the IPC.

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 falsely been implicated in the present case due to petty family dispute. There is no allegation of



tampering with the witnesses alleged against the petitioner. On the earlier occasion, the mother of second wife (Kusum Devi) has lodged a case against the petitioner under Sections 363 and 366 of the IPC in which he is on bail. 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 learned counsel for the State, 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, in the event of arrest or 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 the learned C.J.M. Sitamarhi, in connection with Sitamarhi P.S. Case No. 102 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)