IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21019 of 2017

Arising Out of PS. Case No.-1728 Year-2013 Thana- GAYA COMPLAINT CASE District- Gaya

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Arvind Chaudhary, Son of Muni Chaudhary, Resident of Village- Kurtha Bazar Near Hospital, P.S.- Kurtha, District- Arwal.

... ... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Aarti Devi, Wife of Arvind Chaudhary, resident of Village- Kurtha Bazar Near Hospital, P.S.- Kurtha, District- Arwal, At present Village Cherki Beladih, P.S.- Cherki (Bodh Gaya), District- Gaya.

... ... Opposite Party/s

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Appearance :
For the Petitioner : Mr. Umesh Kumar, Adv.
For the State : Mr. UPENDRA KUMAR, APP
For opposite party No.2 : Mr. Ajay Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

4 05-03-2018 Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the opposite party No.2.

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-fulfilment 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. The case is triable by the Magistrate. The opposite party No.2 is in habit of instituting cases for similar offences. On the earlier occasion also, she had

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instituted a case for similar offence. 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 and learned counsel for the opposite party No.2, it is submitted that the petitioner is named in the complaint case.

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 S.D.J.M., Gaya in connection with Complaint case No.1728 of 2013, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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