

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26116 of 2017

Arising Out of PS.Case No. -1410 Year- 2013 Thana -SIWAN COMPLAINT CASE District-
SIWAN

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Bishwambhar Tiwari, son of Late Ram Pukar Tiwari, resident of Village-
Machakana, P.S.- Hussainganj, District- Siwan.

.... Petitioner

Versus

1. The State of Bihar.
2. Shobha Devi, wife of Bishwambhar Tiwari, resident of Village- Arila,
P.o.- Arila, P.S.- Barhaj, District- Deoria (U.P.)

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Raghav Prasad, Advocate.
For the State : Mr. Ram Sevak Choudhary, A.P.P.
For the O.P. No. 2 : Mr. Ram Chandra Sahani, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 26-02-2018 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 apprehending his arrest in a case for
the offence registered under Sections 498(A) 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 got no criminal antecedent. 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. Prior to filing of the present case, a divorce case was filed by the petitioner in the court below in which notice has already been served to opposite party no. 2. When the opposite party no. 2 came to know about the said case pending before the Family Court, in retaliation to that, the present prosecution has been filed on behalf of opposite party no. 2. 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 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, 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 S.D.J.M. Siwan, in connection with Complaint Case No. 1410 of 2013, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure.

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(Sudhir Singh, J)

