

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17510 of 2018

Arising Out of PS. Case No.-264 Year-2017 Thana- TARAIYA District- Saran

Vijay Kumar Mahto @ Vijay Prasad S/o Rangila Mahto, R/o Village-
Rasidpur, P.S.- Taraiya, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Chandra

For the Opposite Party/s : Mr. SHANTANU KUMAR

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-03-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 341, 323, 307, 498A/34 of the Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act.

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

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. 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. There is no substantive evidence to suggest his implication in the present case. Merely because the



petitioner is husband, he has been made accused in the present case. The allegations levelled in the F.I.R. is denied by him. The petitioner had already filed application for divorce before the competent Court prior to the institution of the present case. 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 the informant, it is submitted that the petitioner is named in the F.I.R. The petitioner is the husband of the victim. The victim has sustained burn injuries. The injuries on the victim is to be explained by the petitioner being the husband of the victim.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. Prayer is rejected. If the petitioner surrenders in the Court below and prays for bail, the same shall be considered on its own merit unprejudiced by this order.

(Sudhir Singh, J)

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