

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8490 of 2018

Arising Out of PS. Case No.-3531 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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Ashutosh Chandra son of Shri Suresh Chandra Prasad Singh, resident of
123E, South Krishnapuri, P.S. S.K. Puri, District Patna (Bihar)

... .. Petitioner/s

Versus

1. State Of Bihar

2. Mridula Chandra, wife of Ashutosh Chandra, daughter of Gopal Nandan
Upadhyay alias Gopal Pd. Singh, resident of Barahiya House, New Lalji Tola
Behind C.D.A. Building, Police Station Gandhi Maidan, District Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lovekush Kumar

For the Opposite Party/s : Mr. SURENDRA KUMAR

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-02-2018 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 and 4 of Dowry
Prohibition Act.

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 reason as the same can be evident from paragraph 12 of the
complaint case itself. The present complaint case is alleged to have
been filed on 03.11.2016. Prior to filing of the present complaint
case, a divorce application was filed by the petitioner under Sections



13(1) (1-A) and (1-B) in the Family Court at Patna. The divorce application was filed on 04.11.2015. In spite of substituted notice upon the complainant, the complainant has not appeared in the proceedings pending before the Family Court. 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.

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., Patna in connection with Complaint case No.3531(C) of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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