

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2951 of 2018

Arising Out of PS.Case No. -138 Year- 2016 Thana -BABUBARHI District- MADHUBANI

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1. Vijay Kumar Yadav S/o Late Motilal Yadav, R/o Village- Parsa, P.S.- Babubarhi, District- Madhubani.

.... Petitioner

Versus

1. The State of Bihar.
2. Sanju Devi W/o Vijay Kumar Yadav, R/o Village- Parsa, P.S.- Babubarhi, District- Madhubani.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Mustaque Alam

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-01-2018 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in a case instituted under Sections 341, 323, 307, 498(A) of the Indian Penal Code but cognizance has been taken under Section 498A of Indian Penal Code and ¾ of D.P Act.

The allegation against the petitioner is of committing torture upon the victim due to non-fulfillment of the 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. The case is triable by the Magistrate. Due to petty family dispute, the present case has been instituted against the petitioner. The petitioner has further relied upon the judgment of this court, in the case of ***Md. Naimul Haque Ansari Vs. The State of Bihar, reported in 2006(3) PLJR 182.***

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of six weeks from today in connection with Babubarhi P.S. Case No.138 of 2016 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Madhubani, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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