

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8840 of 2018

Arising Out of PS. Case No.-201 Year-2017 Thana- MARHAURA District- Saran

Chhote Lal Mahto Son of Jagdish Mahto Resident of Village- Modha Rampur
Khoran, Police Station- Madhaura; District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Ahilya Devi D/o Ambika Mahto and Wife of Chhote Lal Mahto Resident of Village- Modhha Rampur Khorram; police Station- Madhaura; District- Saran and Presently residing at Village- Satua, Phulwari, Police Station- Baniyarpur, District- Saran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tej Narayan singh
For the Opposite Party/s : Mr. UPENDRA KUMAR

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 22-03-2018 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 Sections 323, 498A, 379, 307, 504/34 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.

Vide orders dated 19.02.2018 and 07.03.2018, the parties were granted opportunity for making settlement. It has been submitted on behalf of the parties that no settlement could be arrived at between them.

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 medical report to support the allegations for constituting offence under Section 307 of the Indian Penal Code. Rest of the offences are 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/F.I.R.

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 Judicial Magistrate, 1st Class, Chhapra (Saran) in connection with Madhaura P.S. Case No. 201/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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