

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3167 of 2018

Arising Out of PS.Case No. -1628 Year- 2015 Thana -SIWAN COMPLAINT CASE District-
SIWAN

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Sunil Kumar Thakur S/o Sipahi Thakur, R/o Village- Rampur, P.O.-
Sadaua, P.S.- Sidhwalia, District- Gopalganj.

.... Petitioner

Versus

1. The State of Bihar.
2. Anita Devi W/o Sunil Kumar Thakur, R/o Village- Rampur, P.O.-
Sadaua, P.s.- Sidhwalia, District- Gopalganj, Presently, residing as D/o
Awadhesh Thakur, Village- Sadipur, P.S.- Goreya Kothi, District-
Siwan.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Pandey No-5, Advocate.
For the State : Mr. Nirmal Kumar Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-01-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Section 498(A) of the IPC.

The prosecution story, in brief, is that the accused
persons including the petitioner tortured the victim due to non-
fulfillment of demand of dowry.

The petitioner was granted provisional anticipatory
bail by learned Sessions Judge, Siwan, on 31.10.2017 with a
condition that he shall pay Rs. 3,000/-(Three Thousand Rupees) to
the opposite party no.2 for her maintenance. Since the financial



condition of the petitioner was not sound, therefore, he could not comply with the order granting him provisional anticipatory bail. Further, he did not surrender in the court below rather he decided to prefer an anticipatory bail application before the Hon'ble High Court.

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. 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 counsel for the State, 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 C.J.M. Siwan, in connection with Complaint Case No. 1628 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

