

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5453 of 2018

Arising Out of PS. Case No.-2166 Year-2014 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Pankaj Mandal @ Pankaj Kumar Mandal, son of Sri Jichho Mandal, Resident of Village- Oriup, P.S. Antichak (Kahalgau), District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sunaina Devi, Daughter of Sri Mahadeo Prasad Modi, Resident of Mohalla-Daudbat, P.S. Habibpur, District- Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal
For the Opposite Party/s : Mr. Sri Parmanand Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 16-04-2018 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, 504, 406, 498A, 307 of the Indian Penal Code and 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.

The parties were given opportunity for mediation but it has been submitted on behalf of O.P. No. 2 that she is not ready to live with the petitioner.

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 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, the provisional bail granted to the petitioner vide order dated 02.02.2018 is hereby confirmed. Let the order be communicated to the Court of learned S.D.J.M., Bhagalpur passed in connection with Complaint Case No. 2166 of 2014.

(Sudhir Singh, J)

Pankaj/-

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