

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.5055 of 2018**

Arising Out of PS.Case No. -14 Year- 2016 Thana -MAHILA P.S. District- SAMASTIPUR

=====

1. Siddharth Gupta Son of Ajay Kumar Gupta, R/o Village- Dudhpur, P.S.-  
Samastipur Muffasil, District- Samastipur.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Saneha Gupta W/o Siddharth Gupta and D/o Binod Kumar, R/o Village-  
Daldari, P.S.- Muffasil, District- Siwan.

.... .... Opposite Party/s

=====

**Appearance :**

|                          |   |                                                                                     |
|--------------------------|---|-------------------------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. S.N.P. Sinha, Sr. Adv.<br>Miss Rashmi Bharti, Adv.<br>Mr. Jitendra Narain Sinha |
| For the Opposite Party/s | : | Dr. Umashankar Prasad, Sr. Adv.                                                     |
| For the State            |   | Mr. Ram Sevak Choudhary, APP.                                                       |

=====

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

3      16-03-2018              Heard learned counsel for the petitioner and learned APP  
for the State.

The petitioner is apprehending his arrest in a case registered  
under Sections-341, 323, 324, 307, 498A/34 of the Indian Penal  
Code and 3/4 of Dowry Prohibition Act.

Allegation against the petitioner is of committing torture  
upon the victim due to non-fulfillment of 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 due to



mistake of fact. No specific overt act has been alleged against the petitioner and other accused. It is further submitted that the victim is not ready to reside with the petitioner.

On behalf of the State and counsel for the informant, it has been submitted that the petitioner is named in the FIR. Specific overt act has been alleged against the petitioner. The petitioner is alleged to have caused injury on the neck of the informant which is a vital part of the body. The victim is being physically abused by the petitioner and other co-accused.

Considering the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, prayer for anticipatory bail in connection with Samastipur Mahila P.S. Case No. 14 of 2016 is rejected.

Anyhow, if the petitioner surrenders in the court below and seek regular bail, the same shall be considered and disposed of on the same day on its own merit without being prejudiced by this order.

**(Sudhir Singh, J)**

A.K.V./-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

