

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.1901 of 2018**

Arising Out of PS. Case No.-279 Year-2016 Thana- ISLAMPUR District- Nalanda

Shyam Babu Kumar, S/o Chandradeep Prasad, Resident of Village- Rani Khurd, P.S.- Telhara, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Upendra Kumar

For the Opposite Party/s : Mr. ANISH CHANDRA

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

3      08-03-2018              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 341, 323, 498A, 307 of the Indian Penal Code, and  $\frac{3}{4}$  of Dowry Prohibition Act and 3 and 4 of Dian Act.

Allegation against the petitioner is of committing torture and assault upon the victim due to non-fulfilment 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 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 of the Penal Code 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 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 A.C.J.M. -Hilsa, Nalanda in connection with Islampur P.S. Case No. 279 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

Pankaj/-

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