

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43339 of 2018

=====

Chitranshu Sah, S/o Ramlal Sah, R/o Vill.- Sonbarsa, P.S.- Buxar (I),
District- Buxar.

.... Petitioner

Versus

1. The State of Bihar.
2. Mahesh Sah, S/o Sri Jag Narayan Sah, R/o Vill.- Tiwaripur, P.S.- Buxar
(I) District- Buxar.

.... Opposite Parties

=====

Appearance :

For the Petitioner : Mr. Binod Bihari Sinha, Advocate.
For the State : Mr. Rajeev Nayan, A.P.P.
For the O.P.No. 2 : Mr. Rang Nath Choubey, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-07-2018 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the opposite party no.
2.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 304(B) and 201/34 of the
IPC. After investigation, the police has submitted charge sheet
under Sections 341, 498(A), 342, 323, 506 of the IPC and 3/4 of the
D.P. Act.

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

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. Initially, the case has been instituted under Sections 304(B) and 201/34 of the IPC but after investigation, the police found the case to be false and submitted charge under Sections 341, 498(A), 342, 323, 506 of the IPC and $\frac{3}{4}$ of the D.P. Act. Subsequently, learned Chief Judicial Magistrate, Buxar, took cognizance for the offence under Sections 341, 342, 323, 376, 498(A), 506, 120(B) of the IPC and $\frac{3}{4}$ of the D.P. Act. Except for an offence under Section 376 of the I.P.C, rests of the offences are triable by the Magistrate. Admittedly, the informant has not come with a clean hand. 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 counsels for the State and opposite party no. 2, 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 S.D.J.M. Buxar, in connection with Buxar (I) P.S. Case No. 22 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)

