

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36814 of 2018

Arising Out of PS. Case No.-762 Year-2017 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Niraj Kumar Son of Late Nageshwar Pd. Gupta, resident of Village-
Maheshkhunt, P.S. Maheshkhunt, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Nilu Kumari, wife of Niraj Kumar, D/o Laxman Prasad Sah, resident of
Village- Devipur, P.S. Kahalgaon, District- Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Dr. Manoj Kumar, Advocate
For the State	:	Mr. Shyam Kumar Singh, APP
For opposite party No.2	:	Mr. Jagnnath Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 09-07-2018 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 498A, 323, 504 of the Indian Penal Code and ¾ of Dowry Prohibition Act, but cognizance has been taken under Sections 323, 498A/34 of the I.P.C. and 4 of Dowry Prohibition Act.

Allegation against the petitioner is of committing torture upon the victim due to non-fulfilment of demand of dowry.

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. The case is 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 and learned counsel for the opposite party No.2, it is submitted that the petitioner is named in the complaint case/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 Sub Divisional Judicial Magistrate, Bhagalpur in connection with Complaint case No.762 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

If so advised, either of the parties will be at liberty to make an application before the Court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

Narendra/-

(Sudhir Singh, J)

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