

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37113 of 2018

Arising Out of PS. Case No.-1480 Year-2016 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Roshan Kumar S/o Arun Kumar Gupta, R/o Vill.- Tilkamanjhi Hatia Road,
P.O. & P.S.- Tilka Manjhi, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Somya Kumari D/o Vishundeo Mandal, R/o Hathiyanda, Jhorpati, Mayaganj,
P.S.- Barari, District- Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Sarveshwar Tiwary, Advocate
For the State	:	Smt. Renuka Ratnakar, APP
For opposite party No.2	:	Mr. Manoj Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 10-07-2018 A supplementary affidavit has been filed on behalf of
the petitioner. Same be kept on the record.

Counsel for the petitioner is permitted to make
necessary correction in paragraph 3 of the main application in
the light of the submissions made in the supplementary affidavit
in course of the day.

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, 498A/34 of the Indian Penal
Code 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 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. 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 S.D.J.M., Bhagalpur in connection with Complaint case No.1480 of 2016, 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.

(Sudhir Singh, J)

Narendra/-

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