

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44071 of 2018

Arising Out of PS.Case No. -1854 Year- 2015 Thana -COMPLAINT CASE District- JAMUI

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1. Mukesh Sah @ Mukesh Kumar S/o Sri Khokha Sah, R/o vill.- Tetari Naugachhia, P.S.- Naugachhia, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shobha Devi W/o Mukesh Sah @ Mukesh Kumar D/o Sri Rajendra Sah, R/o Vill.- Charghara Jhajha, P.S.- Jhajha, District- Jamui.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the complainant : Mr. Suresh Prasad Sah @ Baranwal, Adv.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-07-2018 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending his arrest in a case initially registered under Sections 498A, 323, 504 of the Indian Penal Code and 3/4 of Dowry Prohibition Act but cognizance has been taken under Sections-323, 498A of the Indian Penal Code as well as 3/4 of D.P. 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 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, 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, Jamui in connection with Complaint Case No. 1854C of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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