

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45975 of 2018

Arising Out of PS. Case No.-2881 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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Dharmendra Kumar, Son of Sri Kameshwar Prasad, at resident of Block No. -5, Sector 6, Room No. 264 L.I.G. Colony, Bahadurpur Housing Colony, Bhootnath Road, P.S.- Agamkuan, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Pinki Devi, Daughter of Sri Siya Sharan Prasad, Wife of Sri Dharmendra Kumar, A/p residing at Mohalla- Golukdih, Near Cheek Post, P.O. Jharia, P.S.- Tisra, District- Dhanbad, (Jharkhand).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Upendra Kumar Singh
For the Opposite Party/s : Mr. Sri Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-07-2018 Heard learned counsel for the petitioner, learned APP for the State and learned counsel for O.P. No. 2.

The petitioner is apprehending his arrest in a case registered under Sections 498A, 379, 406/34 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 there is no allegation of tampering of witnesses alleged against the petitioner. On the earlier occasion also, the victim and her family members have instituted case for similar offence against the petitioner and his family members. 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 S.D.J.M., Patna in connection with Complaint Case No. 2881C/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)

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