

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46561 of 2018

Arising Out of PS. Case No.-236 Year-2017 Thana- SAHPUR District- Bhojpur

=====

Ankit Kumar Mishra @ Ankit Mishra S/o Shri Shaligram Mishra, R/o Vill.-
Shahpur, P.S.- Shahpur, District- Bhojpur (Ara).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner	:	Mr. Rajesh Kumar Mishra, Advocate
For the State	:	Mr. Ramchandra Sahani, APP
For opposite party No.2	:	Mr. Dharmesh Kumar Srivastava, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 31-07-2018 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner is apprehending his arrest in a case registered under Sections 498A, 328, 307 of the Indian Penal Code and ³/₄ of Dowry Prohibition Act.

Allegation against the petitioner is of committing torture and assault 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. There is no medical examination report in



respect of offence under Sections 307 and 328 of the I.P.C. Hence, no offence under Sections 307 and 328 of the I.P.C. is made out in the present case. Rests of the offences are 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. Other co-accused have been granted anticipatory bail vide Cr.Misc.No.36672 of 2018 and 41898 of 2018.

On behalf of the State and learned counsel for the informant, it is submitted that the petitioners are 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 Additional Chief Judicial Magistrate XIV, Ara (Bhojpur) in connection with Shahpur P.S. case No.236 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.

(Sudhir Singh, J)

Narendra/-

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

