

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44549 of 2018

Arising Out of PS. Case No.-1253 Year-2017 Thana- GAYA COMPLAINT CASE District-
Gaya

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Rakesh Raushan Tiwary, Son of Shiv Dutt Tiwari, Resident of Mohalla-
Bajitpur, Digha Ghat, Gate No. 92, P.S.- Digha, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Madhumita Tripathi, Wife of Rakesh Raushan Tiwari, D/o Dayanand Tripathi,
Resident of Mohalla- Bajitpur, Digha Ghat, Gate No. 92, P.S.- Digha, District-
Patna. at present residing at Mohalla- Karsilli, P.S.- Vishnupad, District-
Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kartik Kumar Sinha
For the Opposite Party/s : Mr. Md. Sufiyan

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-07-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 323, 498A, 379, 365/34 of the Indian Penal Code and 4 of Dowry Prohibition Act in which cognizance has been taken under section 498A IPC.

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, 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., Gaya in connection with Complaint Case No. 1253 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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