

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.64749 of 2018

Arising Out of PS.Case No. -451 Year- 2018 Thana -DANAPUR District- PATNA

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Kamlesh Kumar Neeraj, S/o Ram Shingar Sharma, R/o East Gola Road,
P.S. Danapur, District Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Patanjali Rishi, Advocate.

For the Opposite Party : Mr. Dinesh Singh, A.P.P. 21.

For the Informant : Mr. Vinay Kumar Mishra, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-11-2018 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 498(A), 341, 323, 326, 308,
506/34 of the IPC and ¾ of the D.P. Act.

The prosecution story, in brief, is that after marriage
of the informant, she has been subjected to atrocity, cruelty and
assault at the hands of her in-laws family members due to non-
fulfilment of demand of Rs. 10,00,000/- as more dowry and for
that the accused persons once tried to set her on fire and later tried
to make her swallow poison. It is also alleged that on 01.07.2018
the accused persons assaulted the informant so brutally that she



had to be admitted in P.M.C.H.

The petitioner and the informant are present in the Court but reconciliation could not be arrived between the parties in spite of best effort made by the Court.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the 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 Section 308 of the I.P.C. Hence, no offence under Section 308 of the I.P.C. is made out in the present case. Rests of the offences are triable by the Magistrate. The petitioner has further 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 learned counsels for the State and the informant, it has been submitted that the petitioner is named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or 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 the learned A.C.J.M., Danapur, Patna, in connection with Danapur P.S. Case No. 451 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

