

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62335 of 2017

Arising Out of PS. Case No.-2 Year-2017 Thana- MAHILA P.S. District- Bhojpur

Pradip Pandey @ Pradeep Kumar Pandey, Son of- Tahal Pandey, resident of
Village- Devkali Shiwala, P.S.- Sakpura, District- Balliya (U.P.).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Radha Devi, Wife of Pradip Pandey, resident of Village- Bhaluhipur, Police
Station- Ara Town, District- Bhojpur, Ara. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar Rai

For the Opposite Party/s : Mr. Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

6 27-11-2018 Heard learned counsel for the petitioner and learned
APP for the State. No one has appeared on behalf of opposite
party No. 2.

The petitioner is apprehending his arrest in a case
registered under Sections 341, 323, 307, 379, 498A/34 of the
Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act.

Allegation against the accused persons 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. From perusal of the



injury report, it is evident that there is no external or internal injury found on the victim. Hence, no offence under Section 307 IPC is made out. Rest 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.*

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 Chief Judicial Magistrate, Bhojpur (Ara) in connection with Mahila P.S. Case No. 02/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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