

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28787 of 2018

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Mahesh Kumar @ Mahesh Kumar Sah son of Gonour Sah, resident of
Village- Padmoul, P.S. Kudhni, District Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sarita Devi wife of Mahesh Kumar @ Mahesh Kumar Sah, Daughter of Late
Mohan Sah, resident of Village- Bishunpur Arda, P.S. Goroul, District
Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Jain
For the Opposite Party/s : Mr. Sri Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 24-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case in
which cognizance has been taken under sections 498A, 494 and
323 of the Indian Penal Code.

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 Smt. Smita Raj, Judicial Magistrate, 1st Class, Vaishali at Hajipur in connection with Complaint Case No. 570 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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