

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39209 of 2018

Arising Out of PS. Case No.-239 Year-2017 Thana- BRAHMPURA District- Muzaffarpur

Deepak Kumar S/o Bhola Sah, R/o Mohalla- Baba Triloki Nath Mandir, P.S.-
Brahampura, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 30-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 498A and 377 of the Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act.

Allegation against the petitioner is of committing torture upon the victim due to non-fulfilment of demand of dowry.

On 5.7.2018, an opportunity was given to the parties for one time settlement. When the matter was taken up today, it has been submitted on behalf of the parties that the reconciliation between the parties have failed.

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. As far as offence under Section 377 IPC is concerned, same is superficial in nature. Rest of the offence 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 Chief Judicial Magistrate, Muzaffarpur in connection with Brahampura P.S. Case No. 239 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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