

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22527 of 2018

Arising Out of PS. Case No.-54 Year-2015 Thana- BASOPATTI District- Madhubani

Baidya Nath Sah @ Baidhnath Sah S/o Channu Sah, R/o Vill.- Arthama, P.S.-
Basopatti, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jainendra Kumar
For the Opposite Party/s : Mr. Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 15-05-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in connection with Basopatti P.S. case No.54 of 2015 registered under Sections 341, 323, 342, 452, 307, 498A of the Indian Penal Code, pending in the court of Additional Chief Judicial Magistrate-V, Madhubani.

Allegation against the petitioner is of torturing and assaulting 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. There is no other substantive evidence to suggest



the implication of the petitioner in the present case. Except for offence under Section 307 I.P.C., 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 F.I.R. He is alleged to have electrocuted the victim. The injury report also supports the allegation of electrocution.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected.

Any how if the petitioner surrenders in the court below and prays for regular bail, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

Narendra/-

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