

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27766 of 2018

Arising Out of PS.Case No. -9 Year- 2018 Thana -MAHILA P.S. District- PATNA

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Sumit Anand, son of Sunil Mehta, resident of Mohalla- Ram Krishna Colony, Bazar Samiti, Police Station- Bahadurpur, District- Patna.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Arvind Kumar Mouar, Advocate.

For the State : Mr. Lakshmi Kant Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-05-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 498(A), 506, 313/34 of the IPC and 3/4 of the D.P. Act.

The prosecution story, in brief, is that the accused persons including the petitioner tortured the victim due to non-fulfilment of demand of dowry.

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. The medical report in respect of



D and E is part of the F.I.R. From perusal of the said report, it is evident that the same was carried out as per medical requirement/certificate on 09.07.2016. Reason for D and E has not been assigned. After the period of 1 ½ years, the present case was instituted on 27.01.2018. Prior to filing of the present case, a divorce case under Section 13(1) of the Hindu Marriage Act was filed by the petitioner before the competent Family Court on 16.10.2017. Except for offence under Section 313 of the IPC, 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 counsel for the State, 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 J.M.F.C., Patna, in connection with Mahila P.S. Case No. 09/2018, G.R. No. 663 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)

