

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22241 of 2017

Arising Out of PS.Case No. -368 Year- 2013 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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1. Mankeshwar Sah S/o Jalandhar Sah resident of Vill. - Jokiyari, P.S. -
Raxaul, Dist. - East Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. Shambha Devi W/o Mankeshwar Sah D/o Santlal Sah residing at Vill. -
Itiyahi, P.S. - Kalewa, Dist. - Bara, Nepal.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar

For the Opposite Party/s : Smt. Anusuiya Jaiswal

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 16-01-2018 Heard learned counsel for the petitioner and learned
counsel appearing for the State.

None appeared on behalf of the O.P. No.2.

The petitioner is apprehending his arrest in a case initially instituted under Sections 498A, 406, 120B of the Indian Penal Code but cognizance has been taken only under Section 498A of the Indian Penal Code.

The allegation against the petitioner is of committing torture upon the victim due to non-fulfillment of the 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. The case is triable by the Magistrate. Due to petty family dispute, the present case has been instituted against the petitioner. The petitioner has further relied upon the judgment of this court, in the case of ***Md. Naimul Haque Ansari Vs. The State of Bihar, reported in 2006(3) PLJR 182.***

On behalf of the State, it has been submitted that the petitioner is named in the Complaint case.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of six weeks from today in connection with Complaint Case No.C-368/2013, on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of S.D.J.M., Raxaul at Motihari, East Champaran, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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