

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31462 of 2018

Arising Out of PS. Case No.-65 Year-2018 Thana- BARHARA District- Bhojpur

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Kunal Singh @ Kunal Kumar Singh S/o Bindeshwari Pd. Singh @ Bindeshwari Sigh, R/o Vill.- Sinha, P.S.- Barhara (Sinha O.P.), Distt.- Bhojpur at Ara.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Jyoti Singh W/o Kunal Singh, R/o Vill.- Sinha, P.S.- Barhara (Sinha O.P.), District- Bhojpur at Ara..O.P. No.2.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha
For the Opposite Party/s : Mr. Sri Satyendra Prasad

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 18-08-2018 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, 341, 452, 307, 494, 306, 511 and 34 of the Indian Penal Code.

Allegation against the petitioner is of committing torture and assault 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. For the same incident, two FIRs have been instituted,



the present one i.e. Barhara (Sinha O.P.) P.S. Case No. 65 of 2018 by the wife of the petitioner and Barhara (Sinha O.P.) P.S. Case No. 64 of 2018 by the father of the petitioner.

Case diary of both the cases were called for. Perused the same. The present case is alleged to have been lodged against the petitioner and two unknown persons whereas Annexure-2 was instituted by the father of the petitioner alleging therein that the informant of the present case had committed an offence under Section 307/302 of the Indian Penal Code. In the said case (Annexure-2), it is alleged that the informant of the present case had committed murder of her child. Barhara (Sinha O.P.) P.S. Case No. 64 of 2018 was investigated by the Police and the same had been found to be true by the Supervising Officer and direction was issued to I.O. for submission of charge-sheet against the informant of the present case. As far as Section 307 and 306/511 IPC is concerned, in the present case, there is no substantive material for making out the offence under the said sections.

On behalf of the State and the Counsel for the informant, it is submitted that the petitioner is named in the F.I.R. From perusal of the F.I.R., strong motive has been alleged against the petitioner. It is further submitted that it is the



petitioner who is instrumental and on his instance the alleged incident is alleged to have taken place.

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, Bhojpur at Ara in connection with Barhara (Sinha O.P.) P.S. Case No. 65 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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