

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47364 of 2018

Arising Out of PS. Case No.-45 Year-2017 Thana- MAHILA P.S. District- Sheikhpura

Abhimanyu Pandey @ Abhimanyu Kumar s/o Shri Sunil Pandey Resident of
Village - Ghoshi Kundi, P.S. - Chanan, District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilesh Kumar

For the Opposite Party/s : Mr. Sri Mustaque Alam

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-08-2018 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, 323, 354, 313/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act in which cognizance has been taken under sections 323, 354, 498A/34 of the Indian Penal Code and Section 3 and 4 of the D.P. Act.

Allegation against the petitioner is of committing torture 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. The petitioner has falsely been implicated in the present case due to petty family dispute. The case is triable by the Magistrate. The petitioner was granted benefit under Section 41(1) of the Cr.P.C. It is further



submitted that question of maintainability of anticipatory bail with regard to Section 41A of the Cr.P.C. has already been decided by another co-ordinate Bench of this Court in the case of ***Gauri Shankar Roy vs. The State of Bihar*** reported in ***2015(3) PLJR 618***. 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 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 S.D.J.M., Sheikhpura in connection with Sheikhpura Mahila P.S. Case No. 45/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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