

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37586 of 2018

Arising Out of PS. Case No.-34 Year-2012 Thana- PAROO District- Muzaffarpur

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Mahendra Kumar @ Purusottam Rai, S/o Shankar Rai, Permanent resident of Village- Chand Kumari, P.S.- Deoria, District- Muzaffarpur, presently residing at Mohalla- Selong Chhapra, P.S.- Alam Patti, District- Dibrugarh (Assam).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh

For the Opposite Party/s : Mr. Sakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 03-08-2018 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 and 304B of the Indian Penal Code and ³/₄ of Dowry Prohibition Act.

Allegation against the petitioner is of committing torture and thereafter committed murder of the victim 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 been made accused due to mistake of fact which is evident from paragraphs 4, 5, 7, 105 and 106 of



the case diary where the informant himself has retracted from his earlier statement.

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., Muzaffarpur (West) in connection with Paru P.S. Case No. 34 of 2012, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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