

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.55215 of 2017

Arising Out of PS.Case No. -351 Year- 2016 Thana -MUZFFARPUR COMPLAINT CASE District- MUZAFFARPUR

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Rajiv Kumar, Son of Late Shri Gajendra Prasad Shrivastava, R/o Village & Post- Bhakurahar, P.S.- Bairgania, Distt.- Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar.
2. Anamika Kumari, D/o Arun Kumar Srivastava, Husband of Ashok Kumar Srivastava, R/o Village- Bharkurhar, P.O. + P.S.- Bairgania, Distt.- Sitamarhi, at present- Nagendra Colony, Lane No.2, Bela Road, P.S.- Bela, Distt.- Muzaffarpur.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Abhaykr. Sinha Kundan, Advocate.
For the State : Mr. Parmeshwar Mehta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-02-2018 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 420, 498(A)/34 and 354(B) of the IPC.

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 is also alleged that in absence of husband of the complainant, this petitioner tried to commit



physical relationship with the complainant.

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. Petitioner is the brother-in-law (*Dewar*) of the victim. He is separate in mess and property from the husband of the victim.

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. In paragraph no. 9 of the complaint petition, a specific allegation has been made against this petitioner for committing physical and sexual abuse against the victim at 12.00 P.M. in the night. The petitioner has committed an offence under Section 354(B) of IPC.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to this petitioner. The same is rejected in connection with Complaint Case No. 351 of 2016 (Trial No. 974 of 2017), pending in the court of learned Sub Judge-12th-cum-A.C.J.M. Muzaffarpur.

Anyhow, if the petitioner surrenders in the court



below within a period of six weeks from today and prays for regular bail, the same shall be considered by the learned court below on its own merit without being prejudiced by the order of this Court.

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(Sudhir Singh, J)

