

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54634 of 2017

Arising Out of PS.Case No. -753 Year- 2012 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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1. Kamlesh Kumar @ Kamlesh Baitha @ Kamlesh Kumar Baitha Son of
Jokhan Baitha, R/o Village- Bahadurpur Gamahariya Kala, P.S.- Darpa,
District- East Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. Sulekha Devi W/o Kamlesh Kumar Baitha, D/o Late Jitendra Baitah, At
Present R/o Village- Sangrampandrah, P.S.- Riga, District- Sitamarhi.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh
For the Opposite Party/s : Mr. Ram Naresh Ray

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-01-2018 Heard learned counsel for the petitioner, learned

counsel appearing for the State and learned counsel for the O.P.

No.2.

The petitioner is apprehending his arrest in a case
instituted under Sections 323, 498A, 504/34 of the Indian Penal
Code but cognizance has been taken under Section 498A of the
Indian Penal Code only.

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 and counsel for the O.P. No.2, 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-753/2012, on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Sitamarhi, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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