

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63610 of 2017

Arising Out of PS. Case No.-92 Year-2014 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Mithlesh Mahton, S/o Garib Mahto, Resident of Village-Bhagatola, P.S.-
Khagaria (Town) District-Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nunu Babu Rai, Son of Bhukhal Rai, Resident of Village-Laxmipur Dhabauli,
P.S. Muffasil, District-Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Randhir Kumar No-1, Adv.
For the State	:	Mr. BAL MUKUND PRASAD SINHA, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-01-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case
registered under Sections 323, 365, 302, 498A, 504, 420, 201/34
of the Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition 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. Charge sheet has been submitted for an



offence under Section 498A of the I.P.C. Section 302 of the I.P.C. has been mentioned in the F.I.R. due to typographical error. The victim has already performed second marriage. The petitioner has 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 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 C.J.M., Begusarai in connection with Muffasil P.S. case No.92 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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