

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43678 of 2018

Arising Out of PS.Case No. -262 Year- 2018 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

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Anish Kumar, Son of Baidhnath Sah @ Bholu Sah, Resident of Village-
Baswaria, Police Station- Muffasil, District- East Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. Sushila Devi, Wife of Anish Kumar, Resident of Village- Banshwaria,
Police Station- Motihari Muffasil, District- East Champaran. At present
resident of Village- Kuari, Police Station- Kuari, District- Araria.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Umesh Kumar Singh, Advocate.
For the State : Mr. Damodar Prasad Tiwary, A.P.P.
For the O. P. No. 2 : Mr. Anshu Dhar Sharma, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-07-2018 Heard learned counsel for the petitioner, learned

A.P.P. for the State and learned counsel for the opposite party no.

2.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 498(A), 341, 342, 323, 307,
379, 494, 504, 506 of the IPC and ¾ of the D.P. Act.

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 has been submitted by learned counsel for the



petitioner that the petitioner has falsely been implicated in the present case due to petty family dispute. There is no allegation of tampering with the witnesses alleged against the petitioner. On the earlier occasion also, the informant and her family members also instituted similar cases against the petitioner and his family members. There is no medical examination report in respect of offence under Section 307 of the I.P.C. Hence, no offence under Section 307 of the I.P.C. is made out in the present case. Rests of the offences are triable by the Magistrate. 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 learned counsels for the State and opposite party no. 2, it has been submitted that the petitioner is named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or 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 the learned C.J.M., East Champaran, Motihari, in connection with Mufassil P.S. Case No. 262 of 2018,



subject to the conditions as laid down under Section 438(2) of the
Code of Criminal Procedure.

U.K./-

(Sudhir Singh, J)

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