

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.46825 of 2018**

Arising Out of PS. Case No.-185 Year-2018 Thana- MOTIHARI TOWN District- East  
Champaran

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Avinash Dutta Rao S/o Shri Pratap Narayan Rao, R/o Vill.- Lagunaha, P.S.-  
Chautarwa, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Sri Bal Mukund Prasad Sinha

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      01-08-2018                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner seeks bail in a case instituted for the  
offences under Sections 498A, 315, 307, 504, 120B of the  
Indian Penal Code and Sections 3/4 of the Dowry Prohibition  
Act.

Allegation against the petitioner is of committing  
torture and assault upon the victim due to non-fulfilment of  
demand of dowry.

It has been submitted on behalf of the petitioner that  
the petitioner is in custody since 15.4.2018. There is no  
allegation of tampering of witnesses alleged against the  
petitioner. Charge-sheet has been submitted in the present case.



On the earlier occasion also, the victim and her family members have instituted case for similar offence against the petitioner and his family members. The petitioner has falsely been implicated in the present case due to petty family dispute. Except for the offences under Sections 315 and 307 of the Indian Penal Code, rest offences are triable by the Magistrate. 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./complaint case.

Considering the aforesaid facts and circumstances, it is directed that the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Motihari Town P.S. Case No. 185 of 2018.

**(Sudhir Singh, J)**

Pankaj/-

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