

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4822 of 2018

Arising Out of PS. Case No.-1989 Year-2015 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Vishal Kunal, Son of Binod Kumar Gupta, Resident of Mohalla- Hathsarganj,
Police Station- Hajipur Town, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Madhu Kumari, Wife of Vishal Kunal, Daughter of Rajeshwar Prasad Mandal, At present resident of Kashipur, Ward No.9, P.S.- Town, District- Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi
For the Opposite Party/s : Mr. PAWAN KUMAR CHAURASIYA

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 28-03-2018 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending his arrest in Complaint Case No. 1989 of 2015 in which cognizance has been taken under Section 498A of the Indian Penal Code.

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

On earlier occasion, the parties were given an opportunity to make a one time settlement by orders dated 19.02.2018 and 07.03.2018. When the matter was taken up today, it has been informed by the parties that no settlement could be arrived at between the parties.

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. The case is 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 Complaint Case/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 Chief Judicial Magistrate, Samastipur in connection with Complaint Case No. 1989 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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