

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5537 of 2018

Arising Out of PS.Case No. -59 Year- 2017 Thana -MAHILA P.S. District- SASARAM (ROHTAS)

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1. Akash Kumar @ Akash Kunal @ Ravi, son of Shri Om Nath, Resident of 20, Dr. P.K. Banerjee Road, Mullick Fatak, Howrah, P.S. Howrah, District-Howrah.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rani Kumari @ Sakshi Gupta, W/o Shri Akash Kunal, Resident of 20, Dr. P.K. Banerjee Road, Mullick Fatak, Howrah, P.S. Howrah, District-Howrah. Presently residing at Mohalla- Sherganj (Patangali), Sasaram, P.S. Sasaram, District- Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nikhil Kumar Agrawal
For the State : Mr. Sri Surendra Kumar, APP
For the informant : Mr. Rajesh Kumar Dubey, Adv

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 15-03-2018 Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the opposite party No. 2.

The petitioner is apprehending his arrest in a case instituted for the offence under Sections-498A, 323, 307, 504/34 of the IPC and Sections- 3/4 of Dowry Prohibition Act.

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

It has been submitted on behalf of the petitioner the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is husband of opposite party No. 2. There is no medical examination



report available in the case diary. Hence, no offence under Section-307 of the Indian Penal Code is made out and rest of the offences are triable by the Magistrate. The petitioner has relied upon the judgment of this Court in the case of **Md. Naimul 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, the provisional bail granted to the petitioner vide order dated 02-02-2018 is hereby confirmed.

(Sudhir Singh, J)

A.K.V./-

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