

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26711 of 2018

Arising Out of PS. Case No.-403 Year-2017 Thana- SARAIYA District- Muzaffarpur

Durgesh Kumar son of Lakhan Sahni, resident of village Gijas Kaswa Tola,
P.S. Saraiya (Jaitpur OP), District Muzaffarpur

... .. Petitioner/s

Versus

1. State Of Bihar
2. Guriya Kumari wife of Durgesh Kumar and daughter of late Rajgir Sahni,
at present resident of village Bishunpur Basant, P.S. Saraiya, District
Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha
For the Opposite Party/s : Mr. Mustaque Alam

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

The petitioner is apprehending his arrest in a case registered under Section 498A 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 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 victim is in habit of instituting cases for



similar offence against the petitioner and his family members. 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 Sub Judge 1st-cum-Additional Chief Judicial Magistrate 1st, West, Muzaffarpur in connection with Saraiya (Jaitpur OP) P.S. case No.403 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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