

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38839 of 2018

Arising Out of PS. Case No.-375 Year-2017 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Vishnu Upadhyay, Son of Late Paras Nath Upadhyay, resident of Mohalla-
Koradih, Kola Kusma, P.O.- K.G Ashram, Police Station- Sarai Dhela,
District- Dhanbad (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Vibha Tiwari, Wife of Vishnu Upadhyay, Daughter of Ravindra Nath Tiwari,
resident of Mohalla- Koradih, Kola Kusma, P.O.- K.G Ashram, Police
Station- Sarai Dhela, at present Residing at Gorakshni, Maa Santoshi Path,
Lane No. 11E, P.O. Sasaram, Police Station- Sasaram, District- Rohtas at
Sasaram.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Prakash Dwivedi
For the Opposite Party/s : Mr. Sri Mukeshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered under Sections 498A, 323/34 of the Indian Penal
Code and 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
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 S.D.J.M., Sasaram in connection with Complaint Case No. 375 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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