

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40118 of 2018

Arising Out of PS. Case No.-253 Year-2016 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Diwakar Kumar @ Diwakar Kr. Sharma S/o Prakash Sharma, resident of
Mohalla- Ganga Vihar Colony near Mount ACC School, P.S.- Jiromile,
District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Kumari Sapna D/o Ganesh Chandra Sharma, resident of Village- Kelapur
(Kajraili), Police Station- Kajraili, District- Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Ajay Mukherjee, Advocate
For the State	:	Mr. Ramchandra Sahani, APP
For opposite party No.2	:	Mr. Amarendra Kumar Jha, Advocate
		Mr. Dharendra Nath Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-07-2018 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 registered under Sections 498A, 323, 504, 379/34 of the Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act, but cognizance has been taken under Sections 323, 498A of the I.P.C. and Section 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 and learned counsel for the opposite party No.2, 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 Sub Divisional Judicial Magistrate, Bhagalpur in connection with Complaint case No.253 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

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(Sudhir Singh, J)

