

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51647 of 2018

Arising Out of PS.Case No. -219 Year- 2015 Thana -RANIGANJ District- ARRARIA

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Shashi Kumar Yadav @ Ajeet Kumar @ Shashi Kumar Son of Shri
Surendra Yadav Resident of Village- Maujaha, P.S. Raniganj, District-
Araria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma

For the Opposite Party/s : Mr. Rajendra Nath Jha

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-09-2018 Supplementary affidavit is filed on behalf of the petitioner.

The same be kept on record.

Counsel for the petitioner is permitted to make necessary
correction in paragraph-3 of the main application in course of the
day.

Heard learned counsel for the petitioner and learned APP for
the State.

The petitioner is apprehending his arrest in a case initially
registered under Sections 341, 323, 363, 365, 379/34 of the Indian
Penal Code but later on, cognizance has been taken for the
offences under Sections-498(A), 365 & 363 of the Indian Penal
Code only.

Allegation against the petitioner is of committing torture



upon the victim due to non-fulfillment of demand of dowry and of taking away daughter of the informant by the accused persons.

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. On earlier occasion also, the victim and her family members have instituted a case for similar nature of offence against the petitioner and his family members. There is no substantial evidence in respect of offence under Sections-363 & 365 of the Indian Penal Code. All offences are 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,



Araria in connection with Raniganj P.S. Case No. 219 of 2015,
subject to the conditions as laid down under Section 438(2) of the
Code of Criminal Procedure.

(Sudhir Singh, J)

A.K.V./-

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