

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42020 of 2018

Arising Out of PS. Case No.-278 Year-2017 Thana- COMPLAINT CASE District- Banka

Nakul Kumar @ Nakul Kumar Sah, S/o Shri Ishwar Sah, Resident of
Mohalla- Nayatola, Fulbari (Gareri Tola), Katihar, P.S. and District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Kumari Kajal, W/o Nakul Kumar, D/o Shri Syam Sah, Resident of Laheri
Tola, Amarpur, P.O.+P.S.- Amarpur, District- Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Mukesh Kumar Jha, Adv.
For the State	:	Smt. Sharda Kumari, APP
For opposite party No.2	:	Mrs. Veena Kumari Jaiswal, Adv.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 02-08-2018 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 Section 498A of the Indian Penal Code and 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.

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., Banka in connection with Complaint case No.278 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

If so advised, either of the parties will be at liberty to make an application before the Court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

(Sudhir Singh, J)

Narendra/-

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