

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1547 of 2018

Arising Out of PS. Case No.-399 Year-2016 Thana- COMPLAINT CASE District- Jamui

Kundan Kumar son of Ramprit Prasad resident of village Kataiya, P.S. Kataiya, Dist. Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Shipra Bharti d/o late Briznandan Modi, w/o Kundan Kumar resident of village Ghanberiya, P.S. Khaira, Dist. Jamui.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh, Advocate
For the Opposite Party/s : Mr. KHURSHID ANWAR, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 05-02-2018 In pursuance of the order dated 16.01.2018, no affidavit has been filed on behalf of the parties.

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 323, 379, 498A of the Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act, but cognizance has been taken under Section 498A of the I.P.C. and $\frac{3}{4}$ of the 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., Jamui in connection with Complaint case No.399C of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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