

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54859 of 2017

Arising Out of PS.Case No. -35 Year- 2017 Thana -MAHILA PS District- BUXAR

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1. Santosh Kumar Rai, S/o Late Ram Narayan Rai alias Late Ram Rain Rai, Resident of Village- Sharpur, P.S.- Bhawarkola, District- Ghazipur (U.P.).

.... Petitioner

Versus

1. The State of Bihar.
2. Anjali Rai, W/o Santosh Kumar Rai. presently Residing near I.T.I Field in the house of Sunil Rai, P.S.- Nagar Buxar, District- Buxar.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh
For the Opposite Party/s : Mr. Manoj Kumar - 1

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 04-01-2017 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel appearing on behalf of the O.P. No.2.

The petitioner is apprehending his arrest in a case instituted under Sections 341, 323, 504, 506, 498(A), 406 and 379/34 of the Indian Penal Code.

The allegation against the petitioner is of committing torture upon the victim due to non-fulfillment of the demand of dowry.

Vide order dated 21.11.2017, the matter was referred to the Patna High Court Mediation and Conciliation Centre, Patna but as per report of the Mediator, the mediation has failed.



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. The case is triable by the Magistrate. Due to petty family dispute, the present case has been instituted against the petitioner. The petitioner has further relied upon the judgment of this court, in the case of ***Md. Naimul Haque Ansari Vs. The State of Bihar, reported in 2006(3) PLJR 182.***

On behalf of the State and counsel for the O.P. No.2, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of six weeks from today in connection with Buxar (Mahila) P.S. Case No. 35/2017 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Buxar, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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