

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54107 of 2017

Arising Out of PS. Case No.-464 Year-2016 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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Kumar Abhishek son of Sri Upendra Singh @ Upendra Prasad Singh, resident of Mohalla Sahijna, Near Chiniya Road, P.S. Nawada, P.O. Town & Dist. Garhwa (Jharkhand) also vill. Shadi Bigha, P.S. Nabinagar, P.O. Kandi, Dist. Aurangabad (Bihar)

... .. Petitioner/s

Versus

1. State Of Bihar
2. Nikki Devi wife of Kumar Abhishek and daughter of Sri Vijay Singh and resident of vill. Shadi Bigha, P.O. Kandi, P.S. Nabinagar, Dist. Aurangabad

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amitabh Sohan
For the Opposite Party/s : Mr. Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

7 10-04-2018 None appears on behalf of the opposite party No.2.

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

The petitioner is apprehending his arrest in a case registered under Section 498A of the Indian Penal Code and ³/₄ of Dowry Prohibition Act.

Allegation against the petitioner is of committing torture upon the victim due to non-fulfilment of demand of dowry.

On the earlier occasion, the parties were directed to file a joint affidavit in pursuance of the settlement arrived between the parties.

A supplementary affidavit has been filed on behalf of the



petitioner bringing on record the proceedings pending before the Family Court. Annexures 12 and 12/A are the two different orders, both dated 09.02.2018. One in respect of the maintenance application under Section 125 Cr.P.C. and the other in respect of an application under Section 13(1) of the Hindu Marriage Act. From perusal of the said orders, it appears that both the parties have entered into compromise. The terms and conditions of the compromise have also been reflected in the said order.

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, 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., Aurangabad in connection with Complaint case No.464 of 2016, Trial No.1623 of 2017, 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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