

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8406 of 2017

Arising Out of PS. Case No.-135 Year-2016 Thana- BAHERI District- Darbhanga

Sanjay Kumar S/o - Ram Chandra Mandar resident of Village - Narsar (Bandihuli), P.S. - Baheri, District - Darbhanga at present New Chanakya, P.G. Hostel, Patna Medical College Hospital, P.S. - Pirbahore, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Princy Kumari Wife of Sanjay Kumar, D/o - Arvind Kumar resident of Village/P.O. - Parsa, P.S. - Hathauri, District - Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Vinod Kumar, Advocate
For the State	:	Mr. AKSHAY LAL PANDIT, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 04-01-2018 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 Sections 498A/34 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.

The matter was referred to the Mediation Centre, Patna High Court vide order dated 28.02.2017. As per the 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 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 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, Darbhanga in Baheri P.S. case No.135 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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