

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62133 of 2017

Arising Out of PS.Case No. -104 Year- 2017 Thana -MAHILA P.S. District- BHOJPUR

=====

1. Santosh Kumar son of Late Sardanand Thakur resident of village Gaura ,
P.S. Behea, Dist. Bhojpur (Arrah).

.... Petitioner

Versus

1. The State of Bihar.
2. Pratima Devi Wife of Tuna Thakur, D/o Rajeshwar Singh resident of
village Gaura, P.S. Behea, Dist. Bhojpur (Arrah) presently resident of
village Marar Rama Nagar, Munda Tola, P.S.Ramgadh, Dist, Rambadh,
Jharkhand.

.... Opposite Parties

=====

Appearance :

For the Petitioner/s : Mr. Chandan Kumar Verma

For the Opposite Party/s : Mr. Ashok Kumar

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-01-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case
instituted under Sections 498(A), 354(a), 379, 34 of the Indian
Penal Code and ¾ of D.P. Act.

The allegation against the petitioner is of committing
torture upon the victim due to non-fulfillment of the 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. The case is triable by the Magistrate. The petitioner is brother-in-law of the victim. He is separate in mess and property from the husband of the victim. 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, it has been submitted that there is specific allegation against the petitioner for committing an offence under Section 354(A) of the Indian Penal Code. He has been physically abusing the victim in absence of her husband.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Bhojpur Mahila P.S. Case No. 104 of 2017, pending in the court of learned S.D.J.M., Bhojpur at Ara.

Anyhow, if the petitioner surrenders in the court below, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

Amit/-

U		T	
---	--	---	--

