

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25761 of 2018

Arising Out of PS. Case No.-136 Year-2018 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Chandan Patwa, son of Late Laxman Patwa, Resident of Village- Chandwara
(Soda Godown Chowk), P.S.- Town, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Mishra
For the Opposite Party/s : Smt. Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 20-06-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case instituted for the
offences under Sections 498A, 365 and 34 of the Indian Penal
Code and Sections 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 is in custody since 26.2.2018 and has got no
criminal antecedent. There is no allegation of tampering of
witnesses alleged against the petitioner. Charge-sheet has been
submitted in the present case. The petitioner has been made



accused due to mistake of fact. As per the statement of the independent witnesses examined in paragraphs 25, 26 and 35 of the case diary, it has come that the victim has left the house on her own will. Hence, no offence under section 365 IPC is made out. Rest of the offences are 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 F.I.R./complaint case.

Considering the aforesaid facts and circumstances, it is directed that the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Muzaffarpur in connection with Muzaffarpur Town P.S. Case No. 136 of 2018.

(Sudhir Singh, J)

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