

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42398 of 2018

Arising Out of PS. Case No.-2435 Year-2016 Thana- SARAN COMPLAINT CASE District-
Saran

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Abhay Singh S/o Late Gautam Singh, R/o Vill.- Bangri, P.S.- Daudpur, Distt.-
Saran, At present 52, Sanatan Mistry Lane, Udiyapada, Second Floor, P.O.-
Salakia, P.S.- Golabari, Distt.- Howrah (West Bengal).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Babita Devi W/o Abhay Singh D/o Ram Narain Singh, R/o 52, Sanatan
Mistry Lane, Udiyapada, Second Floor, P.O.- Salakia, P.S.- Golabari, Distt.-
Howrah, (West Bengal), at present R/o Vill. - Masumganj, P.S.- Bhagwan
Bazar, Distt.- Saran.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Amresh Kumar Sinha, Advocate
For the State	:	Smt. Asha Kumari, APP
For opposite party No.2	:	Mr. Mrityunjay Kr. Tiwary, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-07-2018 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 Section 498A of the Indian Penal Code and 4 of 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 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 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., Chapra at Saran in connection with Complaint case No.2435 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

If so advised, either of the parties will be at liberty to make an application before the Court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

(Sudhir Singh, J)

Narendra/-

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