

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3290 of 2018

Arising Out of PS. Case No.-8 Year-2017 Thana- AGIAUN BAZAR District- Bhojpur

Ram Krishna Singh S/o Sri Ramashish Singh, R/o Village- Rajaundha, P.S.- Dawath, District- Rohtas presently residing at Near Amrit Nagar, Guptachal, Gaon Devi Road, P.S.- Ghatkopar (West Mumbai) in the State of Maharashtra.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Rabita Devi W/o Ram Krishna Singh and D/o Jai Prakash Singh, R/o Village- Rajaundha, P.S.- Dawath, District- Rohtas presently residing at Villge- Rahthan, P.S.- Agiaon Bazar, in the District of Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma

For the Opposite Party/s : Mr. LAKSHMI KANT SHARMA

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 05-03-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 341, 323, 498A, 406, 307, 427, 379, 504, 120B/34 of the Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act.

Allegation against the petitioner is of committing torture and assault 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 injury report does not indicate that the victim had sustained any grievous injury. Hence, no offence under Section 307 of the I.P.C. 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.

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 Additional Chief Judicial Magistrate VIII, Ara, Bhojpur in connection with Agiaon Bazar P.S. case No.08 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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