

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66846 of 2018

Arising Out of PS. Case No.-826 Year-2016 Thana- SIWAN COMPLAINT CASE District-
Siwan

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Mohan Shah, s/o- Kapil Shah, r/o- village Mairitar, P.S.- Guthni, District-
Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Nitu Devi, w/o- Mohan Shah, resident of village Mairitar, P.S.- Guthni,
District- Siwan, at present residing at the house of her father Kashi Prasad,
resident of village + P.S.- Bhatpar Rani, District- (Deoria (U.P.)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhakar Singh
For the Opposite Party/s : Mr. Smt. Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-11-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case in
which cognizance has been taken 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-fulfillment 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, it is submitted that the petitioner is named in the Complaint Case/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 S.D.J.M., Siwan in connection with Complaint Case No. C 826/16, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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