

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21148 of 2017

Arising Out of PS.Case No. -65 Year- 2016 Thana -MAHILA PS District-
EASTCHAMPARAN(MOTIHARI)

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Vijay Kumar @ Vijay Sah, S/o late Diplal Sah, Residence of Village-
Rajpur, Bazar, P.S. Keshariya, Distt- East Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. Bina Devi, W/o Vijay Sah, D/o Bhola Sah R/o Village- Kathan Balua
Bazar, P.S. Mehasi, Distt- East Champaran.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Ajay Kumar Singh, Advocate.
For the State : Mr. Humayou Ahmad Khan, A.P.P.
For the O.P. No. 2 : M/S. Dhananjay Kumar Gupta, Deepak Kumar
and Harish Chandra Patel, Advocates.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 09-02-2018 Heard learned counsel for the petitioner, learned

A.P.P. for the State and learned counsel for the opposite party no.

2.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 341, 323, 504, 406,
498(A)/34 of the IPC and ¾ of the D.P. Act.

The prosecution story, in brief, is that the accused
persons including the petitioner tortured the victim due to non-
fulfilment of demand of dowry.

The matter was referred to the Mediation and
Reconciliation Centre of the Patna High Court on 30.08.2017. As
per the report of the Mediator, mediation has failed.

It has been submitted by learned counsel for the



petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the 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 further 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 learned counsels for the State and opposite party no. 2, it has been submitted that the petitioner is named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or 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 the learned S.D.J.M. Sadar, Motihari, East Champaran, in connection with Mahila P.S. Case No. 65 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)