

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26954 of 2018

Arising Out of PS. Case No.-259 Year-2017 Thana- NOORSARAI District- Nalanda

Sanjeev Kumar @ Sanjeev Kumar Yadav S/o Sukumar Yadav @ Shiv Kumar Prasad R/o Village - Barara, P.S. Noorsarai, District Nalanda (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Arjun Yadav S/o Sri Munni Yadav R/o Village Salempur, P.S. Tharthari, Distt - Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Raj Kishor Prasad, Adv.
For the State	:	Mr. Humayou Ahmad Khan, APP
For O.P. No.2	:	Mr. Kunwar Ajit Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-05-2018 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 Sections 498A and 364 of the Indian Penal Code and $\frac{3}{4}$ 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 victim girl has been examined under



Section 164 Cr.P.C. There is no allegation of assault alleged against the petitioner or his other family members. From bare perusal of the said statement it would appear that the same is superficial in nature. Other than offence under Section 364 I.P.C., rest of the offence 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 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 C.J.M., Nalanda at Biharsharif in connection with Noorsarai P.S. case No.259 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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