

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29566 of 2018

Arising Out of PS.Case No. -10 Year- 2018 Thana -MAHILA PS District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Prahlad Sharma @ Prahlad Prasad Rai, S/o Late Gauri Shankar Prasad Rai (Wrongly mentioned in the F.I.R. as Ram Narayan Sharma).
 2. Shri Prakash Kumar @ Shri Prakash Sharma, S/o Prahlad Sharma, Both R/o Village Khairwa Bhatoli P.S. Paharpur, District- East Champaran presently R/o Village- Raghunathpur Ward No. 4, P.S. Turkauliya District East Champaran.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

=====

Appearance :

For the Petitioners : Mr. Patanjali Rishi, Advocate.

For the State : Mr. Ajay Kumar-1, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-05-2018 Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application on behalf of petitioner no. 1 Prahlad Sharma @ Prahlad Prasad Rai in connection with East Champaran Sadar Mahila P.S. Case No. 10 of 2018, pending in the court of learned C.J.M. Motihari, East Champaran.

Permission is accorded.

The anticipatory bail application on behalf of petitioner no. 1 Prahlad Sharma @ Prahlad Prasad Rai is dismissed as withdrawn.

Heard learned counsel for the petitioner no. 2 and



learned A.P.P. for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 341, 342, 323, 313, 406, 354(A), 498(A)/34 of the IPC and 3/4 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.

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 petitioner is Dewar of the victim. He is separate in mess and property from the husband of the victim. There is no medical examination report in respect of allegation for offence under Section 313 of the IPC. Rests of the offences are 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 counsel for the State, 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 no. 2, Shri Prakash Kumar @ Shri Prakash Sharma 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 Chief Judicial Magistrate, Motihari, East Champaran, in connection with East Champaran Sadar Mahila P.S. Case No. 10 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)

