

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27499 of 2018

Arising Out of PS. Case No.-3018 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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Vinay Shankar Upadhayay son of Shri Baban Ji Upadhayay, resident of village Chhine Gaon, P.S. Barhara, District Bhojpur, at present Mohalla Kozisweet Gali, c/o Rupa Studio, Kadam Kumar, Nala Road, P.S. Kadamkuna, District Patna

... .. Petitioner/s

Versus

1. State Of Bihar
2. Asmrity Mishra wife of Vinay shankar Upadhayay, D/o Laxmikant Mishra, at present Mohalla Nova Nagar Phase-2, near Khoja Imli, Phulwari Sharif, P.S. Phulwari Sharif, District Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prakash Chandra Jha
For the Opposite Party/s : Mr. Chaubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-05-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered 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-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 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.

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 Sub Divisional Judicial Magistrate, Patna in connection with Complaint case No.3018C 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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