

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.54457 of 2017**

Arising Out of PS. Case No.-38 Year-2015 Thana- JAYRAMPUR District- Sheikhpura

Om Prakash Chauhan (L.I.C. Agent), son of Late Brahmdeo Chauhan,  
resident of Village- Phatechak, P.S. Jairampur, District- Shaikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Kiran Devi wife of Om Prakash Chauhan, D/o Sheo Nandan Chauhan,  
resident of Laxmipur, P.O. Gonama, P.S. and District- Nawada. At Present  
Barbigha Thana Chowk, P.S. Barbigha, District Sheikhpura.

... .. Opposite Party/s

**Appearance :**

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

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

8      30-07-2018                      Heard learned counsel for the petitioner and learned  
APP for the State. None appears on behalf of O.P. No. 2.

The petitioner is apprehending his arrest in a case  
registered under Sections 341, 504, 363, 497, 498A/34 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. So far offence under Section 363 IPC is concerned, the same is superficial in nature. The son of victim is already residing with the petitioner, Hence, the question of abduction does not arise. All the offences are triable by 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 A.C.J.M. Sheikhpura in connection with Jairampur P.S. Case No. 38 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

Pankaj/-

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