

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5806 of 2018

Arising Out of PS.Case No. -29 Year- 2017 Thana -MAHILA P.S. District- NAWADA

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Shiv Shakti @ Chunnu Sinha @ Sunil Bihari, S/o Nityanand Sinha @
Navin Sinha , R/o village- Dopta, P.S.- Rajauli, District- Nawada.

.... Petitioner

Versus

1. The State of Bihar.
2. Nutan Sinha, D/O Rameshwar Prasad, R/M- Navin Nagar, P.S. Nawada,
District- Nawada.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Vibhuti Ranjan Sonvadra, Advocate.
For the State : Mr. Pramod Kumar Pandey, A.P.P.
For the O. P. No. 1 : Mr. Dr. Anjani Pd. Singh and Sweta,
Advocates.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 15-05-2018 A supplementary affidavit has been filed on behalf of
the petitioner. The same may be kept on the record.

Learned counsel for the petitioner is permitted to
make necessary corrections in paragraph no. 3 of the main bail
application, in light of the supplementary affidavit, in course of
the day.

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, 498(A), 494/34 of



the IPC and $\frac{3}{4}$ 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 falsely been implicated in the present case due to petty family dispute. There is no allegation of tampering with the witnesses alleged against the petitioner. 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. The petitioner has got criminal antecedent. Hence, in the social interest, the petitioner should not be granted anticipatory bail.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Mahila (Nawada) P.S. Case No. 29 of 2017, pending in the court of learned C.J.M., Nawada. Anyhow, if the petitioner surrenders and prays for regular bail in



the court below, the same shall be considered by the learned court below on its own merit without being prejudiced by this order of the Court.

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(Sudhir Singh, J)

