

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16210 of 2018

Arising Out of PS.Case No. -98 Year- 2016 Thana -TARABARI District- ARRARIA

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1. Rakesh Kumar Singh, son of Narayan Singh, resident of Village-Tarabari, Police Station- Tarabari, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Krityanand Bahardar Singh, son of Late Muneshwar Singh,
3. Smt. Kanchan Kala Devi, wife of Rakesh Kumar Singh, daughter of Krityanand Bahardar Singh, 2 & 3 are resident of Village- Ufrail, P.O. Aamgachhi, Police Station- Sikty, District- Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Opposite Party/s : Mr. Sri Ajit Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 22-03-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections-498A, 365/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act and later on, police found the case true under Section-498A/34 of the IPC and Sections-3/4 of D.P. Act.

Allegation against the petitioner is of committing torture upon the victim due to non-fulfillment of demand of dowry.

It has been submitted on behalf of the petitioner is husband of the victim. The petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. No offence under Section-365 IPC is made out in the light of statement of the victim recorded under Section-164



Cr.P.C. The police also has submitted charge sheet under Sections-498A/34 of the IPC and Sections-3/4 of D.P. Act. 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/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 Additional Chief Judicial Magistrate-V, Araria in connection with Tarabari P.S. Case No. 98 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

A.K.V./-

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