

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47772 of 2018

Arising Out of PS.Case No. -32 Year- 2018 Thana -BALRAMPUR District- KATIHAR

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Manjesh Mahto @ Manjesh Kumar Mahto, S/o Laxman Mahto, R/o
Ghughurmal, P.S.- Balrampur, Distt.- Katihar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar Singh, Advocate.

For the Opposite Party : Smt Usha Kumari No-1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-08-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 498(A) of the IPC, ¾ of the
D.P. Act and 3(xi) SC/ST Act.

The prosecution story, in brief, is that the accused
persons including the petitioner tortured and abused the victim by
calling her caste name 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 provision of SC/ST Act is



not applicable in the present case as the occurrence has not taken in a public place or in a public view. Except for offence under SC/ST Act, other 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 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 A.D.J.-I-cum-Special Judge, Katihar, in connection with Balrampur P.S. Case No. 32 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)