

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.71647 of 2018**

Arising Out of PS. Case No.-763 Year-2017 Thana- NAWADAH COMPLAINT CASE  
District- Nawada

Vikash Prasad, S/o Brahamdeo Prasad, Resident of Village- Garhi, P.S.-  
Nardiganj, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Puni Devi, W/o Vikash Prasad, resident of Village- Garhi, P.S.- Nardiganj,  
District- Nawada, at present D/o Late Ram Balak Yadav, resident of Village-  
Patandei, P.S.- Govindpur, District- Nawada.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Krishna Deo Raj

For the Opposite Party/s : Mr. Sanjay Kumar

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

**ORAL ORDER**

2      12-12-2018                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner is apprehending his arrest in a case initially registered under Sections 323, 379, 498A & 504 of the IPC and  $\frac{3}{4}$  of Dowry Prohibition Act but after inquiry, cognizance has been taken under Section-498A of the IPC and  $\frac{3}{4}$  of Dowry Prohibition 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 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/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 Sub Divisional Judicial Magistrate, Nawada in connection with Complaint Case No. 763 of 2017, 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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