

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34368 of 2018

Arising Out of PS. Case No.-1840 Year-2014 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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1. Murari Mistry, S/o- Late Banshi Mistry.
2. Chhotu Sharma @ Chhotu Narayan Sharma @ Chotu Sharma @
Chotu Narayan Sharma @ Chotte Mistry @ Chhote Narayan
Sharma, S/o- Late Banshi Mistry.
Both resident of Village- Isarve, P.S. Fatehpur, District- Gaya.
... .. Petitioner/s

Versus

1. The State of Bihar.
2. Kiran Devi, W/o- Chhotu Sharma @ Chhote Narayan Sharma, resident of
Village- Isarve, P.S. Fatehpur, District- Gaya, at presently residing at D/o-
Chamari Mistry, resident of Village- Rupay, P.S.- Sirdala, District- Nawada.
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Onkar Nath
For the Opposite Party/s : Mr. Shailendra Kumar -2

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-06-2018 Learned counsel for the petitioners seeks permission to
withdraw this application so far petitioner no. 1 is concerned.

Permission is accorded.

The application is dismissed as withdrawn as far as
petitioner no. 1 is concerned.

Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner no. 2 is apprehending his arrest in a case
registered under Section 498A of the Indian Penal Code.

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

There is no allegation of tampering of witnesses alleged



against the petitioner no. 2. The petitioner no. 2 has falsely been implicated in the present case due to petty family dispute. The victim is in the habit of instituting cases for similar offence against the petitioner no. 2 and his family members. The case is triable by the Magistrate. The petitioner no. 2 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 no. 2 is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner no. 2, 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) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nawada in connection with Complaint Case No. 1840 of 2014 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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