

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62218 of 2018

Arising Out of PS. Case No.-49 Year-2018 Thana- MAHILA P.S. District- Bhabhua (Kaimur)

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Ashok Ram Son of Ram Awadh Ram Resident of Village- Adars Nuaon, P.S.
Durgawati, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sumita Devi Wife of Ashok Ram, D/o Bechan Ram Resident of Village-
Dumari, P.S. Durgawati District- Kaimur at Bhabua.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Pawan Kumar Singh, Adv.
For the State	:	Mr. Ajay Kumar-1, APP
For opposite party No.2	:	Mr. Gajindr Nath Ojha, Adv.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 26-11-2018 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the opposite party No.2.

The petitioner is apprehending his arrest in connection
with Mahila (Bhabua) P.S. case No.49 of 2018 registered under
Sections 498A, 307 of the Indian Penal Code, pending in the
court of S.D.J.M., Kaimur at Bhabua.

The prosecution case, in short, is that the petitioner
tortured and assaulted the victim due to non-fulfilment of
demand of dowry and the petitioner used to react by attempting
to kill her by strangulating her neck by gamcha and he also used
to give electricity shock on her head and body.

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. There is no other substantive evidence to suggest the implication of the petitioner in the present case. Except for offence under Section 307 of the I.P.C, other offences are triable by the Magistrate.

On behalf of the State and learned counsel for the opposite party No.2, it is submitted that the petitioner is named in the F.I.R. He is the husband of the victim. The injury report supports the allegations made in respect of offence under Section 307 of the I.P.C.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected.

If the petitioner surrenders before the court below and prays for regular bail, same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

Narendra/-

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