

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18496 of 2020

Arising Out of PS. Case No.-455 Year-2019 Thana- RAXAUL District- East Champaran

Bidya Bhushan Prasad Son of Krishna Prasad Resident of Village - Bihta, P.S.- Bihta, District - Patna, At present Resident of Village - Koriya Tola, Ward No. - 24, P.S.- Raxaul, District - East Champaran. (Wrongly mentioned Resident of village - Korihar in FIR)

... .. Petitioner.

Versus

1. The State of Bihar
2. Jannat Khatoon Daughter of Latif Miyya Thakuria Resident of Village - Inarwa, Ward No. - 19, P.S.- Birgunj at present Resident of Village- Korihar, P.S.- Raxaul, District - East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash Dwivedi
For the Opposite Party/s : Mr.Jagdhari Prasad

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-08-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders” under the orders of Hon’ble the Chief Justice.

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

The petitioner is apprehending his arrest in a case registered under Section 323 & 498A of the Indian Penal Code.

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 petitioner is husband of the victim. The petitioner undertakes that he will cooperate during trial. 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 of the case and also the lockdown, 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 his personal bond to the satisfaction of learned Sub Divisional Judicial Magistrate, Raxaul, Motihari, East Champaran in connection with Raxaul P.S. Case No. 455 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of seven



weeks to the satisfaction of the court concerned in connection
with the aforesaid case.

(Sudhir Singh, J)

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