

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24931 of 2020

Arising Out of PS. Case No.-34 Year-2019 Thana- MAHILA PS District- East Champaran

RAJESH KUMAR @ RAJESH KUSHWAHA S/O Rajeshwar Prasad
Resident of Village - Chand Parsa, P.S. - Kesariya, Dist. - East Champaran.
Presently R/O House No. 115, D.P. No. 11, Near Ambe Ma Mandir,
Sunderpuri Gandhidham, P.S. - Ghandhidham, District - Kaksha Bhuj Gujrat.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sarita Kumar W/O Rajesh Kumar @ Rajesh Kuswaha, D/O Lalbahdur Prasad R/O Village - Kadamwa Bhagwatia Tola, P.S. - Ghorasahan, District - East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh
For the Opposite Party/s : Mr.Binod Kumar NO. 2, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-10-2020 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.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks from the date of restoration of normalcy.

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

The petitioner is apprehending his arrest in a case
registered under Sections 341, 323, 504, 406, 498A and 34 of



the Indian Penal Code 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 twelve 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 Chief Judicial Magistrate, Motihari, East Champaran in connection with



Mahila (Motihari) P.S. Case No. 34/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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