

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36134 of 2020

Arising Out of PS. Case No.-558 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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DINA NATH ROY @ DINANATH PRASAD YADAV SON OF SHIVNATH
PRATAP YADAV Resident of Village- Mataha, P.S.- Barginiya, District-
Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. ASHA DEVI S/o Dinanath Prasad Yadav @ Dina Nath Roy R/o village-
Chelahan Tola Pahariya, P.S.- Banjariya, District- East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjana Srivastava
For the Opposite Party/s : Mr. N. N. Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-03-2021 Heard learned counsel for the petitioner and the State
through virtual mode.

Learned counsel for the petitioner is directed to remove
the defect(s), as pointed out by the office, within a period of four
weeks.

The petitioner is apprehending his arrest in a case registered
under Sections 498A, 406, 307, 506/34 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. There is no injury report on record to support the allegation



for the offence under Section 307 of the Indian Penal Code. Hence no offence under Section 307 of the Indian Penal Code is made out. Rest of the offences are triable by Magistrate. 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, let 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 furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, East Champaran, Motihari in connection with Complaint Case No. C-558 of 2019 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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