

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29564 of 2022

Arising Out of PS. Case No.-206 Year-2021 Thana- RIGA District- Sitamarhi

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KIRNESH KUMAR S/o Rajendra Sahni Resident of Village - Riga, P.S.-
Riga, District - Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rabita Devi W/o Kirnrsh Kumar D/o - Hareshar Sahni At present resident of
Village - Riga Got, Pustakalaya Ward No. 10, P.S. - Riga, District -
Sitamarhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Virendra Kumar
For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 11-04-2023 O.P. No.2 refused to acknowledge the notice served
through ordinary process.

In that view of the matter, service of notice on O.P.
No.2 be treated to be validly served.

Heard learned counsels for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in connection
with Riga PS Case No. 206 of 2021 for the offence registered
under Sections 323, 494/ 34, 498(A) and some other ancillary
Sections of the I.P.C.

The prosecution story, in brief, is that the accused
persons including the petitioner tortured the victim due to non-
fulfilment of demand of dowry.

It has been submitted by learned counsel for the
petitioner that the petitioner has has falsely been implicated in
the present case due to petty family dispute. There is no



allegation of tampering with the witnesses alleged against the petitioner. The petitioner is the husband of the victim. The case is triable by the Magistrate. The petitioner has further 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**. Petitioner has got clean antecedent.

On behalf of the learned counsels for the State, it has been submitted that the petitioner is named in the F.I.R./ complaint case.

Considering the facts of the case, nature of accusation and clean antecedent of the petitioner, let the petitioner, above named, in the event of his arrest/ surrender within a period of six weeks from today shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-VI, Sitamarhi in connection with Riga PS case No. 206/ 2021, subject to conditions laid down u/s 438(2) of the Cr. P. C.

(Prabhat Kumar Singh, J)

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