

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28849 of 2014

Arising Out of PS.Case No. -874 Year- 2013 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

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Md. Obaid Alam Son of Md. Zamiruz Zaman Khan @ Md. Zamirul Zaman
Resident of Village-Pirnagar, P.S.-Gwalpara, District-Madhepura

.... Petitioner/s

Versus

1. The State of Bihar
2. Sugina Khatoon D/o Md. Alam Resident of Village-Pir Nagar, P.S.-
Gwalpara, District-Madhepura.

.... Opposite Party/s

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with

Criminal Miscellaneous No.26315 of 2014

Arising Out of PS.Case No. -874 Year- 2013 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

- =====
1. Md. Samiruz Zaman Khan @ Md. Samerul Zaman @ Samerul Khan S/o
Late Wali Mohammad
2. Md. Jawaid @ Md. Jawaid Alam S/o Md. Samerul Khan
3. Bibi Saleha Khatoon w/o Md. Samiruz Khan All of them are resident of
village - Pirnagar, P.S. Gwalpara, District - Madhepura

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.28849 of 2014)

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Opposite Party/s : Mr. A.A.Khan (App)

(In Cr.Misc. No.26315 of 2014)

For the Petitioner/s : Mr. Sunil Kumar Singh

For the State : Mr. Ahtasham Ali Khan

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

4 13-02-2015 Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case

registered for the offences punishable under Sections 498 (A) of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands.

It is claimed by the complainant that she was married with petitioner- Md. Obaid Alam in August, 2012 and gave birth to a male child on 06.04.2013 but she was subjected to torture.

The petitioners of Cr. Misc. No. 26315 of 2014 are the parents and brother of petitioner- Md. Obaid Alam.

Learned counsel for the petitioners submits that Md. Obaid Alam was married to one Gulnaj Praveen and he is posted in Army. He was never married to the complainant.

In the circumstances, let petitioner- Md. Obaid Alam be released on provisional anticipatory bail for one year in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Madhepura, in Complaint Case No. 874 C/2013, subject to the conditions as laid down u/s 438(2) Cr.P.C.

As counsel for the complainant and the petitioner agree to get the DNA test of the child and the petitioner Md. Obaid

Alam matched for which the learned court below will pass appropriate order and fix the laboratory where DNA test will be done. If DNA test suggests the matching of child's DNA with that of petitioner Md. Obaid Alam then the petitioner will surrender and pray for regular bail otherwise the court below will confirm the bail of the petitioner- Md. Obaid Alam.

Considering the thrust of accusation against petitioner- Md. Obaid Alam, let the above named petitioners of Cr. Misc. No.26315 of 2014 be released on anticipatory bail in the event of their arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfactions of learned Sub-divisional Judicial Magistrate, Madhepura, in Complaint Case No. 874 C/2013, subject to the conditions as laid down u/s 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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