

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39592 of 2014

Arising Out of PS.Case No. -104 Year- 2014 Thana -MANIGACHI District- DARBHANGA

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Firoz Khan son of Sadrul Khan, Resident of Village - Paithan Kabai, P.S. - Mnigachhi, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Adiba Parween Khanam, daughter of Nesar Ahmad Khan, Resident of Village - Paithan Kabai, P.S. - Mnigachhi, District- Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mohammad Sufyan, Advocate
For the Informant : Mr. Jawaid Ghaffar Khan, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

6 19-08-2015 Heard learned counsel for the petitioner, learned counsel for the informant and learned counsel for the State.

The present application under section 438 of the Code of Criminal Procedure has been filed seeking anticipatory bail in connection with Manigachhi P.S. Case No.104 of 2014 registered under sections 341, 323, 325, 498A and 504 read with 34 of the Indian Penal Code as also under sections 3 and 4 of the Dowry Prohibition Act.

It is contended that no occurrence as alleged in the FIR ever took place. The allegation of demand of dowry after six years of the marriage is absolutely false and without any



substance. As a matter of fact, the petitioner's sister Shaba Parween was married to Irfan Khan, who is brother of the informant. The petitioner being husband of the informant never ever ill treated the informant. It is further contended that the instant case was filed after long lapse of 26 days of the alleged occurrence on 24.4.2014 as a counter blast to Manigachhi P.S. Case No.113 of 2014 lodged by the petitioner against the father and other relatives of the informant under sections 341, 323, 324, 307, 504 and 379 of the Indian Penal Code. In that case though the FIR was registered on 24.5.2014, fardbeyan of the petitioner was recorded on 19.5.2014.

On the other hand, learned counsel for opposite party no.2 has vehemently opposed the prayer for bail. He submits that there is no truth behind the allegation made by the petitioner in the police case bearing Manigachhi P.S. Case No.113 of 2014. He further submits that the petitioner is alleged to have assaulted the informant of the present case badly as a result of which she sustained severe injuries.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender within a period of four weeks from the date of receipt/production of a copy of this order, the above named petitioner shall be released on 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, Darbhanga in connection with Manigachhi P.S.Case No.104 of 2014 subject to the conditions as laid down under section 438(2) Cr.P.C.

(Ashwani Kumar Singh, J)

Md.S./-

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