

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41234 of 2016

Arising Out of PS.Case No. -2179 Year- 2015 Thana -SIWAN COMPLAINT CASE District-
SIWAN

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Imteyaz Alam Son of Late Mahmood Alam, resident of Village- Kisunpur,
P.S.- Basantpur, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Salma Khatun w/o Imtiyaz Alam, R/o Village- Kisunpura, P.S.-
Basantpur, District- Siwan, at Nehri, D/o Rosh Mohammad, at R/o Village-
Revti, P.O. + P.S.- Bakuntpur, District- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Adv.
For the Opposite Party/s : Mr. Sri Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-09-2016 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance has been taken for the offences punishable under Sections 323, 498A and 504/34 of the Indian Penal Code.

The basic accusation is of torture.

It appears from the impugned order that learned Sessions Judge has disposed of the anticipatory bail application of the petitioner in view of the ratio laid down in the case of **Salim Ansare @ Md. Salim Ansare and Others Vs. The State of**

Bihar & Another reported in **2015 (3) PLJR, 806 (Cr. Misc. No. 51075 of 2014)** since onlyailable warrant of arrest has been issued.

This fact has not been controverted by learned counsel for the petitioner that onlyailable warrant of arrest has been issued till date.

Let the learned court below consider the prayer for bail of the petitioner if he surrenders within a period of six weeks in connection with Complaint Case No. 2179 of 2016 pending in the court of learned ACJM, Siwan.

It is expected from the learned court below to dispose of the bail application of the petitioner preferably on the same day.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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