

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15236 of 2017

Arising Out of PS.Case No. -704 Year- 2014 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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Md. Sabir, S/O Late Mulazim Mian, R/V- Sisahni, P.S. Pakridayal, District-
East Champaran. Petitioner

Versus

1. The State of Bihar.
2. Amina Khatoon, W/O Md. Sabir, D/O Md. Gaffur, R/V- Sisahni, P.S. Pakridayal, District-East Champaran, At present Village- Madhaupur Taksari, P.S. Madhuban, District- East Champaran.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Surendra Kumar Mishra, Advocate.

For the State : Smt. Sucheta Yadav, A.P.P.

For the O.P. No. 2 : Mr. Rajesh Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

5 12-12-2017 Heard learned counsel for the petitioner, learned

counsel for the opposite party no. 2 and learned counsel for the

State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 498(A) and 323 of the IPC.

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

Vide order dated 10.07.2017, the matter was referred
to the Mediation and Reconciliation Centre of the Patna High
Court. As per the report of the Mediation, mediation has failed.

It has been submitted by learned counsel for the



petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to petty family dispute. 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.

On behalf of the learned counsels for the State and opposite party no. 2, it has been submitted that the petitioner is named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, 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 bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Sikrahana, East Champaran, Motihari, in connection with Complaint Case No.704 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)