

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24562 of 2017

Arising Out of PS.Case No. -30 Year- 2016 Thana -MAHILA P.S. District- SITAMARHI

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1. Md. Kaish Rayeen, son of Md. Nurul Hoda, resident of Village- Janakpur Road, Pupari, Ward No.8, P.S.- Pupari, District- Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar.

2. Rahisa Khatoon, wife of Md. Kaish Rayeen, D/o Gufoor Rayeen, resident of Village- Pupari Ward No.8, P.S.- Pupari, District- Sitamarhi, at present resident of Village- Mehasaul Gate, Ward No.4, P.S.- Sitamarhi, District- Sitamarhi.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra

For the Opposite Party/s : Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 25-08-2017

Vide order dated 01.07.2017, notice was issued to the

O.P. No.2. Office note indicates that the notices were validly served.

None appeared on behalf of the O.P. No.2.

Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection with Mahila P.S. Case No.30/2016 for the offences instituted under Sections 323, 498(A), 379/34 of the Indian Penal Code and ¾ of D.P. Act.

The allegation against the petitioner is of committing torture upon the victim due to non-fulfillment of the demand of dowry.

It has been submitted on behalf of the petitioner that the



petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The case is triable by the Magistrate. Due to petty family dispute, the present case has been instituted against the petitioner. The petitioner has further relied upon the judgment of this court, in the case of ***Md. Naimul Haque Ansari Vs. The State of Bihar, reported in 2006(3) PLJR 182.***

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Mahila P.S. Case No.30/2016 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Sitamarhi, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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