

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.26199 of 2017**

Arising Out of PS. Case No.-3 Year-2017 Thana- MAHILA P.S District- West Champaran

Ali Emam, Son of Mirhasan, resident of Village Sumahi Bujurg Mehadiya,  
Police Station- Taraya Sujana, District- Kushi Nagar (Uttar Pradesh).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Mahajabin Khatoon, daughter of Late Shekh Manejar Dafadar, Wife of Ali Emam, at present resident of Village and Post- Shekhpatti, Bhuidharawa, Police Station- Bhitaha (O.P.), District- West Champaran.

... .. Opposite Party/s

**Appearance :**

|                         |   |                                   |
|-------------------------|---|-----------------------------------|
| For the Petitioner/s    | : | Mr. Milind Kumar Mishra, Advocate |
| For the State           | : | Mr. Damodar Prasad Tiwary, APP    |
| For opposite party No.2 | : | Mr. Prithvi Nath Mishra, Advocate |

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

3      17-10-2017              Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the opposite party No.2.

The petitioner is apprehending his arrest in a case registered under Section 498A/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

Allegation against the petitioner is of committing torture upon the victim due to non-fulfilment of 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 due to petty family dispute. The case is triable by the Magistrate. The



petitioner has 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 State and learned counsel for the opposite party No.2, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/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 learned Sub Divisional Judicial Magistrate, Bagaha, West Champaran in connection with Mahila P.S. case No.03 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

Narendra/-

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