

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45340 of 2017

Arising Out of PS. Case No.-217 Year-2017 Thana- GAYA COMPLAINT CASE District-
Gaya

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Md. Arshad Khan S/o Aziz Khan, resident of village Kalauna, P.S. Gurua,
District Gaya

... .. Petitioner/s

Versus

1. State Of Bihar
2. Faujia Khanam w/o Md. Arshad Khan, resident of village Khap, P.S.
Cherki (Bodh Gaya), District Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-09-2017 Counsel for the petitioner is permitted to make necessary

correction in paragraph 3 to the present application in course of

the day.

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 of the Indian Penal Code and 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 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 complaint case.

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 S.D.J.M., Gaya in connection with Complaint case No.217 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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