

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.37250 of 2017**

Arising Out of PS.Case No. -747 Year- 2016 Thana -GAYA COMPLAINT CASE District- GAYA  
=====

1. Md. Shamim, Son of Sahabul Miyan, Resident of Village- Jharna Saren,  
P.S.- Nimchak Bathani, District- Gaya.

.... .... Petitioner

Versus

1. The State of Bihar.  
2. Arzu Tamanna, Wife of Md. Shamim, D/o Rabedar Alam, Resident of  
Village- Jharna Saren, P.O. & P.S.- Nimchak Bathani, District- Gaya.

.... .... Opposite Parties  
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**Appearance :**

For the Petitioner/s : Mr. Shakib Ayaz

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam  
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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

02    10-08-2017                      Heard learned counsel for the petitioner, learned counsel  
  
for the Complainant and learned counsel appearing on behalf of  
  
the State.

The petitioner is apprehending his arrest in connection  
with Complaint Case No.747 of 2016 for the offence instituted  
under Sections 341, 323 and 498(A) of the Indian Penal Code.

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  
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 and the counsel for the complainant, it has been submitted that the petitioner is named in the Complaint Case.

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 Complaint Case No.747 of 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., Gaya, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

Amit/-

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