

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36224 of 2017

Arising Out of PS.Case No. -939 Year- 2015 Thana -COMPLAINT CASE District- SUPAUL

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Md. Shamshad Alam @ Md. Samsad Alam @ Md. Samsad son of Md. Jamaluddin resident of village - Sattaur Kunda, P.S. Mahishi, District - Saharsa.

.... Petitioner

Versus

1. The State of Bihar.
2. Roji Pravin wife of Md. Shamshad Alam @ Md. Samsad Alam @ Md. Samsad, D/o Abdul Sattar resident of village Khukhnaha Amin Tola, P.S. Marauna, District - Supaul.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Amarnath Jha, Advocate.
For the State : Mr. Manoj Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-08-2017 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Complaint Case No. 939/2015 for the offences instituted under Sections 498(A), 379, 323, 504 of the IPC and 4 of the D.P. Act in which cognizance has been taken under Sections 498(A) of the IPC and 4 of the D.P. Act.

The prosecution story, in brief, is that the accused persons including the petitioner tortured the complainant 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 with the witnesses alleged against the petitioner. He 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 State, 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 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 Complaint Case No. 939/2015 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Supaul, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

