

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40798 of 2017

Arising Out of PS.Case No. -747 Year- 2015 Thana -COMPLAINT CASE District- BANKA

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1. Md. Sahanwaj Son of Md. Zeya @ Raju Resident of Mohalla-Chameli Chak, Behind Karori Bazaar Stadium R.H. Police Station-Habibpur District-Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bibi Rubeda Khatoon, Wife of Md. Sahanwaj and daughter of Md. Musarraaf, Resident of Mohalla-Chameli Chak, Behind Karori Bazaar Stadium R.H. Police Station-Habibpur District-Bhagalpur, Presently residing at Mohalla-Sultanpur, Police Station-Amarpur, District-Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Syed Masleh-Uddin Ashraf, Advocate
For the State : Mr. Anil Kumar Singh 1, APP
For Opposite Party No.2 : Mr. Md. Najmul Hoda, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-08-2017 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 Sections 498A and 504 of the Indian Penal Code.

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 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 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 A.C.J.M. 1st, Banka in connection with Complaint case No.747 of 2015, 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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