

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53082 of 2017

Arising Out of PS. Case No.-536 Year-2015 Thana- SHASTRINAGAR District- Patna

Md. Sarfaraz Nawaz, Son of Abdul Wadood, Resident of Mohalla-Makhdoom Rasti Nagar, P.O. & P.S.- Phulwari Sharif, Town and District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Saera Hasan, Wife of Md. Sarfaraz Nawaz, Daughter of Syed Md. Hasan Akhtar, Resident of Shakur Colony, Samanpura, Raja Bazar, P.S.- Shastri Nagar, Town and District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Majjorwar, Advocate
For the State	:	Smt. Meena Singh, APP
For opposite party No.2	:	Mr. Md. Fahimuddin, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-11-2017 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 of the Indian Penal Code and $\frac{3}{4}$ 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 Mrs. Aditi Gupta, Judicial Magistrate, First class, Patna in connection with Shastri Nagar P.S. case No.536 of 2015 corresponding to G.R. No.7046 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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