

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55673 of 2017

Arising Out of PS.Case No. -290 Year- 2017 Thana -RAJAUN District- BANKA

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1. Md. Mustak, Son of Md. Jamal, Resident of Village-Chakbir, P.S.-
Rajoun, District-Banka.

.... Petitioner

Versus

1. The State of Bihar
2. Bibi Sagufta, Wife of Md. Mustak and Daughter of Md. Mofzil, Resident
of Village-Sanhauli, P.S.-Jagdishpur, District-Bhagalpur.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Md. Nurul Hoda

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-11-2017 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in a case
instituted under Sections 341, 323, 498A, 504, 506 of the Indian
Penal Code and 3/4 of D.P. Act.

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 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. 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, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of six weeks from today in connection with Rajourn P.S. Case No. 290/2017 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., Banka, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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