

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.54310 of 2017**

Arising Out of PS.Case No. -39 Year- 2017 Thana -PARIHAR District- SITAMARHI

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1. MD. HASSAN RIZA @ MD. HASSAN REZA @ HASAN RAZA Son  
of Abdul Manan @ Abdul Manan Maum, R/o Village- Siswa (Ward no.5)  
P.S.- Parihar, District- Sitamarhi.

.... .... Petitioner

Versus

1. The State of Bihar.  
2. Faajilat Khatoon D/o Md. Aslam, R/o Village- Siswa (Ward No.5), P.S.-  
Parihar, District- Sitamarhi.

.... .... Opposite Parties

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**Appearance :**

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr. Sakir Ahmad

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      23-11-2017                      Heard learned counsel for the petitioner, learned  
counsel for the Opposite party no.2 and learned counsel for the  
State.

The petitioner is apprehending his arrest in a case  
instituted under Sections 498(A), 323, 504, 376, 34 of the Indian  
Penal Code and 3/4 of D.P. Act but charge sheet has been  
submitted under Sections 498(A)/34 of the Indian Penal Code and  
¾ 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 charge sheet has been submitted for an offence under Section 498A, 34 of the Indian Penal Code and ¾ of D.P. Act. 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 counsel for the O.P. No.2, it has been submitted that the petitioner is named in the F.I.R./Complaint Case.

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 Parihar P.S. Case No. 39/2017 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., Sitamarhi, 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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