

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.50562 of 2016**

Arising Out of PS.Case No. -173 Year- 2016 Thana -COMPLAINT CASE District- ARRARIA

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Md. Rahbar Alam @ Rahbar Alam @ Rahbar Son of Md. Habibur Rahman  
resident of Village- Mahalgawn, P.S.- Mahalgawn, District- Araria.

.... .... Petitioner

Versus

1. The State of Bihar.
2. Bibi Najbin Khatoon D/o Md. Afzal, W/o Md. Rahbar R/o Village-  
Masuriya, P.S.- Mahalgawn, District- Araria.

.... .... Opposite Parties

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**Appearance :**

For the Petitioner : Mr. Sanjay Kumar Sharma, Advocate.

For the State : Mr. Tarun Prasad Mandal, A.P.P.

For the Complainant : Mr. Gopal Kumar Jha, Advocate.

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

10 21-09-2017 Heard learned counsel for the petitioner, learned  
A.P.P. for the State and learned counsel for the opposite party no.  
2.

The petitioner is apprehending his arrest in a case for  
the offence registered under Sections 498(A) of the IPC and 3/4 of  
the D. P. Act.

The prosecution story, in brief, is that the accused  
persons including the petitioner tortured the victim due to non-  
fulfillment of demand of dowry.

The matter was referred to the Mediation Centre of  
Patna High Court Legal Services Committee, Patna vide order



dated 09.01.2017. As per the report of the Mediator, the matter was compromised between the parties and parties had agreed to live together. Later on again some dispute took place between the parties.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the 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 learned counsels for the State and opposite party 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, in the event of arrest or 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 the learned C.J.M. Araria, in connection



with Complaint Case No. 173C/2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

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**(Sudhir Singh, J)**

