

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21406 of 2018

Arising Out of PS. Case No.-48 Year-2018 Thana- GHORASAHAN District- East
Champaran

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Samsher Alam @ Shamsher Alam Son of Moslim Miya Resident of Village -
Barwa Kala, P.S. Ghorasahan, District East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 11-04-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case instituted for the
offences under Sections 498A and 307 of the Indian Penal Code
and Sections 3/4 of the Dowry Prohibition Act.

Allegation against the petitioner is of committing
torture and assault upon the victim due to non-fulfilment of
demand of dowry.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 07.02.2018. There is no
allegation of tampering of witnesses alleged against the
petitioner. Charge-sheet has been submitted in the present case
under Section 498A IPC. On earlier occasion also, the victim



had instituted a case for similar offence. The petitioner has falsely been implicated in the present case due to petty family dispute. There is no medical report to support the allegations for constituting offence under Section 307 of the Indian Penal Code. Rest of the offences are 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, it is submitted that the petitioner is named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances, it is directed that the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned learned S.D.J.M., Sikarahana Dhaka, East Champaran in connection with Ghorasahan P.S. Case No. 48/2018.

(Sudhir Singh, J)

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