

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44248 of 2018

Arising Out of PS.Case No. -173 Year- 2017 Thana -PAKARIBARAW District- NAWADA

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1. Md. Shams Tabrez @ Shams Tabraz Son of Md. Abdul Khair, resident of
Village- Jamahria, P.S.- Dhamaul, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Zainul Abedin

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-07-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner apprehends his arrest in a case initially registered under Sections-341, 323, 307, 313,315/34 of the Indian Penal Code and ¾ of Dowry Prohibition Act and later on, offence u/S 498A has also been proposed to have been made out against the petitioner and others.

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

It has been submitted on behalf of the petitioner that the petitioner has 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. There is no medical examination report to support the allegations for constituting offences under Sections- 307, 313 & 315 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 Complaint Case/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 learned Sub Divisional Judicial Magistrate, Nawada in connection with Pakaribarawan P.S. Case No. 173 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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