

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53050 of 2018

Arising Out of PS. Case No.-71 Year-2017 Thana- MAHILA P.S. District- Madhubani

Anwar Khan @ Md. Anwar S/o Yusuf Khan, R/o Vill.- Jaideo Patti Parari,
P.S.- Ghanshyampur, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-09-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 147, 148, 323, 379, 380, 354(B), 376, 511, 498A, 427, 504 of the Indian Penal Code.

Allegation against the petitioner is of committing torture upon the victim due to non-fulfilment of demand of dowry and of making attempt to commit rape upon the victim.

The earlier anticipatory bail application of the petitioner was rejected vide Annexure-1 to the present application taking into account that the case was instituted for an offence under Sections 147, 148, 323, 379, 380, 354(B), 376, 511, 498A, 427, 504 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that the



Investigating Officer has submitted charge sheet vide Annexure-3 to the present application, in which the case has been found true only under Sections 498A and 379/34 of the I.P.C. Hence, in the said circumstances, the second anticipatory bail application has been preferred on behalf of the petitioner. It has further been submitted that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is the nephew of the victim. The complaint case was filed after 11 days of the alleged occurrence. The delay has not been explained by the prosecution. The petitioner is separate in mess and property from the husband of the victim. The present case has been filed only with an intention to settle the property dispute. The case is 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. Further the Counsel for the State does not dispute the charge sheet submitted by the Investigating Officer.

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 S.D.J.M., Madhubani in connection with Mahila P.S. Madhubani case No.71 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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