

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

**Criminal Miscellaneous No.58217 of 2018**

Arising Out of PS.Case No. -1892 Year- 2015 Thana -DARBHANGA COMPLAINT CASE  
District- DARBHANGA

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ATYAKULLAH @ ATYABULLLAH @ MD. ATYABULLH, Son of Md. Taiyab, resident of Village- Jatuka, P.S.- Manigachhi, District- Darbhanga.

.... .... Petitioner

Versus

1. The State of Bihar
2. Shabana Khatoon, W/o Atyakullah @ Atyabullah D/o Anbarul Haque, resident of Village- Akbarpur P.S.- Ashok Paper Mill District Darbhanga.

.... .... Opposite Parties

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**Appearance :**

For the Petitioner : Mr. Vinay Kumar Mishra, Advocate.

For the State : Mr. Jai Narain Thakur, A.P.P.

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

ORAL ORDER

2      25-09-2018                      Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 341, 323, 504, 506 and 498(A)/34 of the IPC.

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

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case due to petty family dispute. There is no allegation of



tampering with the witnesses alleged against the petitioner. The informant and her family members are in habit of instituting similar cases against the petitioner and his family members. 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 counsel for the State, 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 A.C.J.M.-IVth, Darbhanga, in connection with Complaint Case No. 1892 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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**(Sudhir Singh, J)**