

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19042 of 2018

Arising Out of PS. Case No.-83 Year-2017 Thana- DAGARUA District- Purnia

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Md. Sakir @ Md. Sakir Alam @ Sakir Alam S/o Md. Najrul, R/o Village-
Teliya Rahika, P.S.- Dagarua, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Naima Khaton W/o Md. Sakir, D/o Md. Kudus, R/o Village- Kishanpur,
Bhangi Tal Tola, P.S. - Sadar (M) Ranipatra, Distt.- Purnea.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh
For the Opposite Party/s : Mr. Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-04-2018 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the opposite party No.2.

The petitioner is apprehending his arrest in a case registered
under Sections 313, 307, 323, 324, 498A, 406 of the Indian Penal
Code and $\frac{3}{4}$ of 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 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. The victim is in habit of instituting cases for
similar offence. As per the prosecution case, date of occurrence is
alleged to be 16.02.2017. From perusal of the medical report dated
18.02.2017, it appears that the victim was having bleeding for last 15



days i.e. prior to the date of occurrence. This fact has not been stated in the complaint case/F.I.R. by the prosecution. The reason is best known to them. There is no medical examination report in support of the allegations made in respect of offence under Section 307 of the I.P.C. 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.

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 A.C.J.M. IInd, Purnea in connection with Dagarua P.S. case No.83 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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