

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19270 of 2018

Arising Out of PS.Case No. -804 Year- 2017 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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Irshad Alam @ Chhotu, S/o Md. Firoz Alam, Resident of Mohalla-
Babuganj (behind Iliyas Hussain School) Ward No. 35, Barah Pathar, P.O.
and P.S. Dehri, District- Rohtas (Bihar), permanent Road, Near Gola, P.O.
& P.S.- Rafiganj, District- Aurangabad.

.... Petitioner

Versus

1. The State of Bihar.
2. Noorjha Bano, W/o Irshad Alam @ Chhotu, D/o Late Fahimuddin
Khalifa, resident of Mohalla- Barah Patha (Masjid Road, Gali no. 2),
P.O. and P.S.- Dehri, District- Rohtas.

.... Opposite Parties

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Appearance :

For the Petitioner : M/S. Ajay Kumar Tiwari and Shambhu Nath
Thakur, Advocates.

For the State : Mr. Satyavarat Verma, A.P.P. 171.

For the O.P. No. 2 : Mr. Ashok Kumar Mishra, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-04-2018 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the opposite party no.
2.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 498(A) and 323 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. On earlier occasion also, a case of similar offence was instituted 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 counsels for the State and opposite party no. 2, 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 C.J.M. Rohtas at Sasaram, in connection with Complaint Case No. 804 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)