

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10969 of 2018

Arising Out of PS. Case No.-773 Year-2017 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Rustam Tayab Hussain @ Rustam Taiyab Hussain, Son of Tayab Hussain @ Taiyab Hussain, Resident of Village- Jagtaoli, P.S. Bhore, District Gopalganj. At present resident of At Sector 38 Near Ganesh Maidan Swastik Residency Flate No. 305, Nerul New Mumbai.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sabrun Khatoon, wife of Rustam Tayab Hussain @ Rustam Taiyab Hussain, Daughter of- Hanif Mian, Resident of Village- Karriya Thakurai Post Koila Dewa, P.S. Fulwaria, District- Gopalganj.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam
For the Opposite Party/s : Mr. SANJAY KUMAR TIWARY 1

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-02-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 323 and 498A of the Indian Penal Code.

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

It has been submitted on behalf of the petitioner that the petitioner has got 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. 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 Complaint Case.

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. XIII, Gopalganj in connection with Complaint Case No. 773 of 2017 (Tr. No. 2367 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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