

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57490 of 2017

Arising Out of PS. Case No.-3843 Year-2016 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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1. Hasmuddin Ansari @ Hasmuddin, S/o Late Sadique Ansari,
2. Ainul Nesa W/o Late Sadique Ansari Both are of R/o Village- Rakaba, P.S.- Fulwariya (Shripur O.P.), District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Ayasha Khatoon W/o Hasmuddin Ansari @ Hasmuddin R/o Village- Rakaba, P.S.- Fulwariya (Shripur O.P.), District- Gopalganj. At present D/o Late Abdul Gafur Ansari, R/o Village- Sidhariya, P.S.- Kateya, District- Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. ADITYA NARAYAN SINGH 1

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 12-02-2018 By order dated 07.12.2017, the petitioner No.2 was granted anticipatory bail. Further in respect of petitioner No.1, notice was issued to the opposite party No.2. As per the office note, it has been reported that the notice has been served upon the opposite party No.2.

No one appears on behalf of the opposite party No.2.

Heard learned counsel for the petitioner No.1 and learned APP for the State.

The petitioner No.1 is apprehending his arrest in a case registered under Sections 498A, 406 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. It has further been submitted on behalf of the petitioner that the petitioner and the victim are residing together and the matter has been settled between them.

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 No.1, namely, Hasmuddin Ansari @ Hasmuddin, 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 Additional Chief Judicial Magistrate XIV, Gopalganj in connection with Complaint case No.3843 of 2016, Trial No.955 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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