

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45653 of 2018

Arising Out of PS. Case No.-419 Year-2017 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Bhabhua (Kaimur)

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Hesamuddin Shah Son of Late Mumtaj Hussain Resident of Village - Saiyad
Nagar, Saidaraja, Ward No. 8, P.S. Saidaraja, District Chandauli (U.P.).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Tamanna Khatoon Wife of Hesamuddin Shah, Daughter of Salahuddin Shah
At present Resident of Village - Kewa, P.S. - Chainpur, District - Kaimur
(Bhabua).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Sunil
For the Opposite Party/s : Mr. Dr. Indihar Kumari

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-07-2018 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
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. On the earlier



occasion also, the victim and her family members have instituted case for similar offence against the petitioner and his family members. 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/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. -II, Kaimur, Bhabhua in connection with Complaint Case No. 419/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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