

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29380 of 2018

Arising Out of PS.Case No. -402 Year- 2017 Thana -BARSOI District- KATIHAR

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Md. Zafar @ Md. Zafar Ali, son of Late Majrul Haque, Resident of Village-
Berajal, Police Station- Barsoi, District- Katihar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Binay Kumar, Advocate.

For the Opposite Party : Mr. Pawan Kumar Chaurasiya, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

4 18-07-2018

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 341, 323, 498(A), 307,
376/511 of the IPC and 5 of the D.P. Act.

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 is further alleged that one co-
accused Afaq alias Ilahi also tried commit rape upon the victim.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent. There
is no allegation of tampering with the witnesses alleged against the
petitioner. The petitioner has falsely been implicated in the present
case due to petty family dispute. There is no medical examination



report in respect of offence under Section 307 of the I.P.C. Hence, no offence under Section 307 of the I.P.C. is made out in the present case. So far as offence under Section 376/511 of IPC is concerned, the same is alleged against co-accused Afaque alias Ilahi. Rests of the offences are 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 counsel for the State, 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. Katihar, in connection with Barsoi P.S. Case No. 402 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)