

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62258 of 2017

Arising Out of PS.Case No. -402 Year- 2016 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

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1. Md. Faiyaz S/o Late Md. Ishahak Khan, R/o Village- Dharampur , Ward
No. 2 Samastipur, P.S.- Samastipur Town, District- Samastipur.

.... Petitioner

Versus

1. The State of Bihar.
2. Raushan Ara W/o Md. Faiyaz and D/o Late Md. Kasim, R/o Village-
Balbhadrapur, P.S.- Ujiarpur, District- Samastipur.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha

For the Opposite Party/s : Mr. Uday Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-01-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case
instituted under Sections 341, 342, 323, 307, 324, 379, 498A and
420 of the Indian Penal Code but cognizance has been taken under
Sections 498A and 323 of the Indian Penal Code.

The allegation against the petitioner is of committing
torture upon the victim due to non-fulfillment of the 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 present case has been instituted against the petitioner. 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 Vs. The State of Bihar, reported in 2006(3) PLJR 182.***

On behalf of the State, it has been submitted that the petitioner is named in the Complaint case.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of six weeks from today in connection with Complaint Case No.402 of 2016 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Dalsingsarai, Samastipur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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