

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.62999 of 2017

Arising Out of PS.Case No. -438 Year- 2017 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

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Mahboob Mian @ Mahboob Hawari, S/o Sarajul Mian, R/o Pipra Santpur,
P.S.- Mainatand, District- West Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. Sahna Khatoon, W/o Mahboob Mina @ Mahboob Hawari, D/o Id
Mohammad Mian, R/o Ahwar Sheikh, Tola Phultarwa, P.S.- Majhulia,
District- West Champaran.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Bimlesh Kumar Pandey, Advocate.

For the State : Smt. Asha Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 04-01-2018 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 498(A) of the IPC and 4 of
the D.P. Act.

The prosecution story, in brief, is that the accused
persons including the petitioner tortured the victim due to non-
fulfillment of demand of dowry.

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. 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 @ 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 A.C.J.M. IIIrd, Bettiah, West Champaran, in connection with SC No. 1253 of 2017, arising out of Complaint Case No. 438C 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)