

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54190 of 2017

Arising Out of PS. Case No.-1424 Year-2014 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Md. Shabbir Khan, S/o Md. Shamim Khan @ Changuli Khan, Resident of
Z/5, 193/14, Bagdipada Road, Ayub Nagar, P.S.- Nadiyal, Distt- Kolkata
(WB) Petitioner/s

Versus

1. The State of Bihar.
 2. Aiyasa Manjoor, D/o Md. Mansoor Khan, Resident of Khilafat Nagar
Shahjangi, P.S.- Habibpur, Distt- Bhagalpur. Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh
For the Opposite Party/s : Mr. LALAN KUMAR

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 20-02-2018 Petitioner is permitted to make necessary correction in
respect of party proforma of opposite parties.

Heard learned counsel for the petitioner, learned APP for the
State and learned counsel for the opposite party No. 2.

The petitioner is apprehending his arrest in a case registered
under Section 498A of the Indian Penal Code and $\frac{3}{4}$ of Dowry
Prohibition Act.

Allegation against the petitioner is of committing torture
upon the victim due to non-fulfilment of demand of dowry.

Vide order dated 17.11.2017, the matter was referred to the
Patna High Court Mediation Centre, Patna. The Mediator has
reported that the mediation has failed.

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.***

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 Chief Judicial Magistrate, Bhagalpur in connection with Complaint Case No. 1424 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The O.P. No. 2 will be at liberty to approach to the Family Court for the redressal of her grievances, if so advised.

(Sudhir Singh, J)

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