

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58816 of 2018

Arising Out of PS. Case No.-13 Year-2018 Thana- SUKHANI District- Kishanganj

Basiruddin @ Md. Basiruddin, S/o Doman Ali, R/o Village- Salguri, PS-
Sukhani, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Sinha

For the Opposite Party/s : Mr. Sri Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-09-2018 Counsel for the petitioner is permitted to make
necessary correction in paragraph 1 of the application in course
of the day.

Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case
registered under Sections 341, 323, 354, 498A, 379, 313, 504,
34 of the Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act.

Allegation against the petitioner is of committing
torture and assault upon the victim due to non-fulfilment of
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 is father-in-law of the victim. He has falsely been implicated in the present case due to petty family dispute. There is no medical report to support the allegations for constituting offence under Section 313 of the Indian Penal Code. Rest of the offences are 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 Additional Judicial Magistrate, Kishanganj in connection with Sukhani P.S. Case No. 13/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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