

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10042 of 2018

Arising Out of PS. Case No.-65 Year-2017 Thana- SIKANDARA District- Jamui

Md. Nashruddin @ Md. Nasruddin S/o Md. Nizamuddin @ Nizam , R/o
Village- Nircha, P.S.- Sikandra, District- jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prakash Mahto

For the Opposite Party/s : Mr. AHTASH ALI KHAN

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 498A, 448, 147, 148, 149, 307, 323, 324, 504 and 506 of the Indian Penal Code and Section 27 of the Arms 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. As per the prosecution case, the petitioner is alleged to have assaulted one Md. Kaushar. The nature of injury is said



to be simple. Hence, no offence under Section 307 IPC is made out. The petitioner has falsely been implicated in the present case due to petty family dispute. 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*. Other co-accuseds have been granted anticipatory bail vide order dated 10.11.2017 passed in Cr. Misc. No. 53636 of 2017.

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, Jamui in connection with Sikandra P.S. Case No. 65 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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