

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40309 of 2018

Arising Out of PS.Case No. -3585 Year- 2017 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. MD. ARFEEN ALAM @ ARFEEN ALAM, Son of Md. Rafique Alam,
Resident of Quli Pada Opposite Rais Tea Stall, P.S.- Town, District- Saheb
Ganj, Jharkhand.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Afsan Nisha, W/o Md. Arfeen Alam, D/o Md. Hafeez residing at Alam
House, Daryapur Koeri Tola, P.S. Pirbahore, Dist.- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudha Chandra

For the Opposite Party/s : Mr. Sri Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-07-2018 Heard learned counsel for the petitioner, O.P. No. 2 and
learned APP for the State.

The petitioner is apprehending his arrest in a case, initially
registered under Sections 323, 341, 307, 406, 420 and 498A of the
Indian Penal Code and 4 of Dowry Prohibition Act but cognizance
has been taken under Section-498A of the Indian Penal Code and
4 of D.P. Act only.

Allegation against the petitioner is of committing torture
upon the victim due to non-fulfillment 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 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 and O.P. No. 2, 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 Sub Divisional Judicial Magistrate, Patna in connection with Complaint Case No. 3585(C) 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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