

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12606 of 2018

Arising Out of PS.Case No. -372 Year- 2017 Thana -KODHA District- KATIHAR

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Manzoor Alam, S/o Azad Ali @ Md. Azad, R/o Village- Ahimachak
Charkhi, P.S.- Korha, District- Katihar.

.... Petitioner

Versus

1. The State of Bihar.
2. Marjina Khatoon, W/o Manzoor Alam, D/o Md. Rafique, R/o Mobaiya
Bishanpur, P.S.- Korha, District- Katihar.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Bidhan Chandra Jha and Mr. Bal Krishna
Mishra, Advocates.

For the State : Mr. Binod Kumar, A.P.P.

For the O.P. No. 2 : Mr. Sanjeev Kr. Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

5 19-07-2018 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the opposite party no.
2.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 323, 498(A), 307 of the IPC
and 3 of the D.P. Act.

The prosecution story, in brief, is that the accused
persons including the petitioner tortured the victim due to non-
fulfilment 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. There is no medical examination report in respect of offence under Section 307 of the I.P.C. Rests of the offences are triable by the Magistrate. 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 counsels for the State and opposite party no. 2, 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 C.J.M., Katihar, in connection with Korha P.S. Case No. 372 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)