

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12854 of 2018

Arising Out of PS. Case No.-162 Year-2016 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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Md. Jubair, S/o Md. Taiyab, Resident of Village- Dumrail, P.S.- Puraini,
District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Rifat Khatoon, Wife of Md. Jubair, D/o Md. Rahman, Resident of Village- (Sasural)- Dumrail, P.S.- Puraini, District- Madhepura, at present (Maike) Village- Rahta, P.S.- Uda-Kishunganj, District- Madhepura.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Amarnath Jha, Advocate
For the State	:	SMT SANGEETA SHARMA, APP
For opposite party No.2	:	Mr. Surya Narain Yadav, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-03-2018 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 Sections 323, 341, 498A, 379, 504, 506/34 of the I.P.C., but cognizance has been taken under Sections 323, 498A, 504/34 of the I.P.C. and 4 of Dowry Prohibition Act.

Allegation against the petitioner is of committing torture 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 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.

If so advised, the opposite party No.2 will be at liberty to approach to the competent court/authority for redressal of his grievance, if any.

On behalf of the State and learned counsel for the opposite party No.2, it is submitted that the petitioner is named in the complaint case.

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, Uda-kishunganj District Madhepura in connection with Complaint case No.162 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

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(Sudhir Singh, J)

