

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38378 of 2019

Arising Out of PS. Case No.-167 Year-2018 Thana- COMPLAINT CASE District- Supaul

MD. SAKIR HUSAIN @ SAKIR HUSSAIN @ SHAKIR HUSEN S/o Late
Tahir Husain R/o village- Simari Bakhtiyarpur, Mal Godown Road, Ward No.
08, P.S.- Simari Bakhtiyarpur, District- Saharsa

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Bebi Hajra W/o Md. Sakir Husain, D/o Late Idrish Ali R/o village- Simari Bakhtiyarpur, Mal Godown Road, Ward No. 08, P.S.- Simari Bakhtiyarpur, District- Saharsa, Presently reside at- Bhimnagar, Koshi Colony, Ward No. 7, P.S.- Birpur, District- Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nagendra Upadhyay, Adv.

For the Opposite Party/s : Mr.Amarendra Prasad, APP
Mr. Pankaj Kumar Sinha, Adv.

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

4 13-12-2019 Instant petition under section 438 of Criminal Procedure Code has been moved for grant of anticipatory bail in Complainant Case No.167C/2018, dated 10.5.2019 registered in the court of A.C.J.M., Birpur under Sections 498A of the Indian Penal Code.

I have heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State. I have also perused the relevant record of the case, necessary for adjudication of this petition.

Parties got married on 19th of May, 2014 whereafter



the complainant prosecutrix, on account of non-fulfilment of dowry demand of Rs.5,00,000/- (five lacs) and a motorcycle, was driven away. The complaint was registered on 18th of July, 2018.

It is seen that the petitioner is on provisional anticipatory bail. At this stage, petitioner has made out a case for grant of bail.

This Court is of the considered view that petitioner has made out a case for grant of pre-arrest bail. Possibility of false implication, as is so alleged by the petitioner, cannot be ruled out. There is no allegation of physical assault. Also, thus far save and except for naming the petitioner in the F.I.R., no evidence corroborative in nature stands recorded by the police. Also, none has come forward to highlight the possible involvement of the petitioner in the crime. On what basis the Investigating Officer could link the accused to the crime is also not emanating from the record.

Prima facie also, it appears that thus far no case against the petitioner is made out indicating his complicity in the alleged crime. Also nothing is produced to highlight petitioner's direct involvement in the crime.



It is submitted by learned counsel for the petitioner that the petitioner has roots in the society; is not likely to interfere in the investigation or influence any of the witnesses or destroy the evidence and no further recovery is to be made from the petitioner, nor any custodial interrogation is required.

As such, the order dated 27.6.2019 granting provisional anticipatory bail to the petitioner, above named, is made absolute.

Any observation made herein shall not be construed as an expression on the merits of the matter.

Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

K.C.Jha/-

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