

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69307 of 2018

Arising Out of PS. Case No.-907 Year-2011 Thana- SIWAN COMPLAINT CASE District-Siwan

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Afjal Kamal, Son of Ziyaul Hasan Marhum, Resident of Mohalla-Ram Janki Colony, P.S. Gauri Bazar, District-Deoria U.P.

... .. Petitioner

Versus

1. The State of Bihar.
2. Simmi Zamal, Wife of Afijal Kamal, daughter of Asgar Ali @ Nanhe, Resident of Ram Janki Colony, P.S. Gauri Bazar, District-Deoria U.P., Presently residing at Naya Bazar, Siwan P.S. Siwan Town, District-Siwan.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr.Prashant Kumar, Advocate.
For the State	:	Mr. Shailendra Kumar -1, A.P.P.
For the O.P. No. 2	:	M/S. Anil Chandra and Amit Kumar, Advocates.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

7 17-07-2019 Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for opposite party no. 2.

The petitioner has already been granted provisional bail on 04.12.2018 in a case for the offence registered under Sections 323, 498(A), 406, 313 of the IPC and $\frac{3}{4}$ of the D.P. Act.

The prosecution story, in brief, is that the opposite party no. 2 got married to the petitioner on 09.11.2010. Initially behaviour of her in-laws was normal but after 22.01.2011, everyone started behaving differently. It has been alleged that thereafter the accused persons started demanding dowry and



tortured her. On 10.04.2011, the opposite party no. 2 was allegedly assaulted, her clothes and other jewellery were retrained and she was made to board a train and then she was stranded at Siwan Junction by the accused persons. She further alleged that prior to that the accused persons had caused her to undergo abortion citing abnormality.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It has further been submitted that by the order dated 22.06.2019, passed by learned A.D.J.-VIII, Siwan, in Sessions Trial No. 85 of 2017, the matter has already been settled between the parties.

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.

Considering the aforesaid facts and circumstances, the provisional bail granted to the petitioner on 04.12.2018 by this Court in connection with Sessions Trial No. 85 of 2017, arising out of Complaint Case No. 907 of 2011, pending in the court of



learned A.D.J.-IV, Siwan, is hereby confirmed.

(Sudhir Singh, J)

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