

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76237 of 2019

Arising Out of PS. Case No.-137 Year-2019 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Md. Tufail, S/o Md. Abulesh @ Md. Abules @ Md. Abulaish, R/o village-
Madhopur, P.S.- Turkaulia, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Sattar S/o Late Seikh Baksis R/o village- Purshotampur, P.S.-
Chhauradano, District- East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.III

For the Opposite Party/s : Mr.Mukeshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 03-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Trial No. 993 of 2019 arising out of Complaint Case No.
C-137 of 2019, registered for the offences punishable under
sections 498 A, 304 B and 34 of the Indian Penal Code.

As per allegation in the complaint case, there is
allegation of demand of dowry, torture and assault on the
accused persons. The petitioner, is said to be the husband of the
victim girl.

It is submitted by learned counsel for the petitioner



that the instant case arises from an FIR which was registered as Turkauliya P.S. Case No. 593 of 2017 (Annexure-2) registered under sections 341,323,498 A and 34 of the IPC and section 3/4 of the Dowry Prohibition Act and Section 304B of the I.P.C. was added subsequently.

It is submitted that at the relevant time the victim was living in her 'mayke' (parent's place). After investigation final report bearing no. 674 of 2017 dated 29.12.2017 was submitted in the case stating the case to be false and the same was accepted by the court below.

It is further submitted that much after submission of the final form, that a protest-cum-complaint petition as contained in Annexure-1 to the application was filed on 03.08.2018, wherein the examination of the witnesses took place and cognizance of the offence was taken and from which the instant application for anticipatory bail arises.

It is submitted by the learned counsel for the petitioner that from the facts stated hereinabove it would be evident that after a detailed investigation the allegations against the petitioner have been found to be false and he is being harassed by the informant and other persons.

Having heard learned counsel for the parties and



taking into consideration the fact and circumstances hereinabove, the petitioner is directed to surrender in the court below within a period of six weeks from today and in the event of his arrest or surrender, he shall be enlarged on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Motihari, East Champaran, in connection with Trial No. 993 of 2019 arising out of Complaint Case No. C- 137 of 2019.

(Partha Sarthy, J)

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