

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.159 of 2020

Arising Out of PS. Case No.-255 Year-2016 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

MD. SHAMIM, aged about 32 years, Gender-Male, S/o Md. Alibash @ Md. Waliwas, R/o village- Gora, P.S.- Kusheshwarsthan, District- Darbhanga.

... .. Petitioner

Versus

1. The State of Bihar.
2. Raizun Khatoon, Gender-Female, aged about 23 years, W/o Md. Shamim, D/o Md. Tusho R/o village- Kevatgama, P.S.- Kusheshwarsthan, District- Darbhanga.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr.Sunil Kumar, Advocate.
For the State	:	Mr.Satyadeo Singh Yadav, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned counsel for the State.

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

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. The petitioner has falsely been implicated in the present case due to petty dispute. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is the husband of the victim. 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) P.L.J.R. 182.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/ Complaint Case.

Considering the facts and circumstances of the case and also the lockdown, 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 his personal bond to the satisfaction of learned S.D.J.M. Biraul, in connection with Complaint Case No. 255 of 2016, T.R. No. 2330 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of seven



weeks to the satisfaction of the court concerned in connection
with the aforesaid case.

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(Sudhir Singh, J)

