

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.11372 of 2020**

Arising Out of PS. Case No.-23 Year-2019 Thana- MAHILA P.S. District- Araria

SAHJAHAN @ MD. SAHJAHAN SHAMIM, aged about 25 years, S/o
Shamim R/o village- Pechaili, P.S.- Palasi, District- Araria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Vijay Anand, Advocate
For the State	:	Mr. Akhileshwar Dayal, A.P.P.
For the informant	:	Mr. Rajiv Kumar Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

7 21-08-2020 Heard Mr. N.K. Agrawal, learned Senior Counsel
assisted by Mr. Vijay Anand, learned Advocate, Mr. Rajiv
Kumar Singh, learned counsel for the informant and Mr.
Akhileshwar Dayal, learned A.P.P. Incharge for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Mahila P.S. Case No. 23/2019 registered
under Sections 376, 506 of the Indian Penal Code and 4 of the
Dowry Prohibition Act.

Earlier vide a detailed order dated 09.07.2020 this
Court has granted provisional bail to the petitioner.

While the learned Senior Counsel representing the
petitioner submits that this Court has thoroughly examined the
materials on record and after noticing the statement of the



witnesses namely, Parvez Alam and Wasiquir Rahman as also the materials coming in course of investigating which suggested that the father of the informant had forcibly possessed a piece of land of the petitioner and in order to put pressure upon him the present case has been lodged, this Court granted provisional bail to the petitioner, hence the same be confirmed.

Learned counsel for the informant has reiterated his submission that there is no land dispute between the family of the petitioner and the informant. Learned counsel, however, in response to the query made by this Court, does not deny that in course of investigation it has come that the two witnesses namely, Parvez Alam and Wasiquir Rahman whose statement was recorded in paragraph '58' and '59' of the case diary, which was sent to this Court at the time of hearing of Cr. Misc. No. 42658/2019, have stated that the informant was earlier married to one Abdul Rahman and these two persons were the witnesses on the *Nikahnama*.

Having regard to the discussions already made in the order dated 09.07.2020, this Court confirms the provisional bail of the petitioner. Let the petitioner remains on bail on the same bail bond.

I have also perused the action taken report of the



Superintendent of Police, Araria kept at Flag 'X'. Let the disciplinary proceeding be taken to its logical end. It is however made clear that such proceeding be conducted in an independent and fair manner then only the purpose of criminal justice system will garner confidence in the public. The system may be fully effective only when it is implemented to keep intact the public faith.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

