

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18024 of 2020

Arising Out of PS. Case No.-1797 Year-2017 Thana- VAISALI COMPLAINT CASE
District- Vaishali

MD. HAIDAR ALI Son of Md. Hasim Resident of Village - Sahpur
Baghauni, P.S.- Oeni, District - Samastipur

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sahana Khatoon Wife of Md. Haidar Ali Permanent Address- C/o- Md. Raijak, Village - Malpur, P.S.- Patepur, District - Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mazharul Hassan
For the State : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-07-2020 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 APP
for the State.

The petitioner is apprehending his arrest in a case initially
registered under Sections 323, 324, 307, 498A, 504, 506/34 of
the Indian Penal Code and ³/₄ of Dowry Prohibition Act but later
on, cognizance has been taken for the offence under Sections
498(A)/34, 323 of the Indian Penal Code and Section 4 of the
D.P. Act only.



Allegation against the petitioner is of committing torture upon the victim due to non-fulfillment of demand of dowry.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to petty family dispute. The petitioner is husband of the victim. There is no injury report on record to support the allegation under Section 307 of the Indian Penal Code. No offence u/S 307 of the Indian Penal Code is made out. Rest of the offences are triable by the Magistrate. The petitioner has 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) PLJR 182.

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

Considering the aforesaid 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 eight weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Sub Divisional Judicial Magistrate, Vaishali at Hajipur



in connection with Complaint Case No. C1-1797 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.

(Sudhir Singh, J)

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