

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53085 of 2019

Arising Out of PS. Case No.-3605 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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MOHAMMAD FAROOQUE AZAM @ MD. FAROOQUE AZAM Son of
Mohammad Dilshad Alam @ Mohammad Irshad Alam Resident of - Alishan
Tower, Phase - II, Flat No. G - 1, Road No. 12, Jawahar Nagar, P.S.- Azad
Nagar, Jamshedpur, Distt - Singhbhum, Jharkhand.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Tabassum Farooqui Wife of Md. Farooque Azam, D/o Md. Late Farooque
Alam Resident of Dariyapur, Kutubbuddin Lane, P.O. Bankipur, P.S.-
Pirbahore, Distt - Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Arvind Kumar Mouar
For the Opposite Party/s	:	Mr.Binod Kumar
For O.P. No. 2	:	Mr. Mahendra Prasad Bhartee

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 12-06-2020 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
APP for the State.

The petitioner is apprehending his arrest in a Complaint
Case in which cognizance has been taken under Section 498A of
the Indian Penal Code and 4 of Dowry Prohibition Act.

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 case is 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.

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., Patna in connection with Complaint Case No. 3605/17, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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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