

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25157 of 2020

Arising Out of PS. Case No.-39 Year-2019 Thana- MAHILA District- Munger

MD. SHAMSHER @ SHAMSHAD, (Male), aged about 32 years, Son of Md. Ekram, Resident of Mohalla-Quarter No. 189, Shankarpur Colony, P.S.- Mufassil, District - Munger.

... .. Petitioner

Versus

1. The State of Bihar.
2. Aalia Sultana, Daughter of Noor Mohammad, Resident of Mohalla - Purab Sarai, Azad Colony, P.S.- Kotwali, District - Munger.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Md. Harun Quareshi, Advocate.
For the State	:	Mr. A.G.
For the O.P. No. 2	:	Mr. Nawal Kishore Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

7 07-07-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned A.P.P. for the State through Virtual mode.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 498(A), 354(A), 323/34 of the I.P.C. and $\frac{3}{4}$ of the D.P. Act.

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 counsels for the petitioner and the opposite party no. 2 that the petitioner and opposite party no. 2 have agreed to stay together. The petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to petty family dispute. 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) PLJR 182.

On behalf of the learned counsels for the State and opposite party no. 2, it has been submitted that the petitioner is named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned Judicial Magistrate Ist, Munger, in connection with Mufassil P.S. Case No. 39 of 2019, G.R. No. 2520 of 2019, 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) only with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

U.K./-

U		T	
---	--	---	--

