

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20780 of 2023

Arising Out of PS. Case No.-704 Year-2022 Thana- KANTI District- Muzaffarpur

Md. Nishar S/O Md. Nazrul R/O Village- Sadatpur Paigambarpur Kolhua,
P.S- Kanti, Distt.-muzaffarpur, At Present Address Mohalla- 148, A Block, J.J.
Colony Bawana, North- West, P.S- Narela Bhorgarh, New Delhi, Pin-110039

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nazreen Parvin D/O Md. Muzibul Rahmaan, W/O Md. Nishar R/O Vill.-
Khetalpur, P.O- , P.S- Aurai, Distt.- Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Arvind Kumar
For the State	:	Mr.Jagdhari Prasad
For the O.P.-2	:	None

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 18-09-2023 Heard learned counsel for the petitioner and learned
Addl. Public Prosecutor. Nobody appears on behalf of
complainant / opposite party no. 2. On last date also i.e.
30.08.2023, nobody had appeared on behalf of opposite party
no. 2.

2. The petitioner apprehends his arrest in a case
registered for the offence under Sections 498(A), 341, 323, 379,
504, 506 of the Indian Penal Code and Sections 3, 4 of the
Dowry Prohibition Act.

3. As per prosecution case, this petitioner is alleged to
have committed torture and harassment with the informant /
opposite party no. 2 due to non-fulfillment of demand of dowry.



4. It is submitted on behalf of petitioner that petitioner, who is husband of opposite party no. 2, denies the allegation made in the F.I.R. and submits that he is ready to keep the informant/O.P.-2, as his wife, with full honour and dignity. There is general and omnibus allegation of demand of dowry and committing torture against this petitioner. Moreover, the case is triable by the learned Magistrate. In this connection, petitioner has relied upon a 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***.

5. Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, West, Muzaffarpur in connection with Kanti P.S. Case No. 704 of 2022, G.R. No. 3018 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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