

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36325 of 2023

Arising Out of PS. Case No.-293 Year-2022 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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MD. NASIB @ NASEEB @ NAEEM Son of Md. Rahamtullah Resident of
village - Kalana, P.S. - Harlakhi, Distt. - Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kismat Khatoon Wife of Md. Nasib @ Naseeb @ Naeem, D/o Md. Muslim
Resident of village - Paraul, P.S. - Arer, Distt. - Madhubani

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Md. Shakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 13-12-2023 Heard learned counsel for the petitioner and the State.

Nobody appears for opposite party no.2 inspite of valid service
of notice.

2. Petitioner apprehends arrest in a case registered for
the offence punishable under sections 498A, 323/341 of the
Indian Penal Code.

3. As per the prosecution case, petitioner along with
other family members committed torture on opposite party no.2
due to non-fulfilment of dowry demand.

4. Learned counsel appearing for the petitioner while
denying the allegations, submits that the petitioner has falsely
been implicated in this case because he is husband of the



victim. However, he is ready to keep the victim to her matrimonial house with honour and dignity. 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**.

5. Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let this petitioner, as named above, 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 the Judicial Magistrate 1st class, Benipatti, Madhubani in CR Complaint case no. 293 of 2022, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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