

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36280 of 2022

Arising Out of PS. Case No.-87 Year-2021 Thana- DARPA District- East Champaran

Samir @ Maqsood Dewan Son Of Abulaish Dewan Resident Of Village-
Lohadiya, P.S.- Darpa, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Poonam Wife Of Samir @ Maqsood Dewan, D/O- Aamir Chand Resident Of Kriti Nagar, Gali No.6, Ward No.-17, P.S.- Hosiyarpur, District- Hosiyarour (Punjab) 144001

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 28-07-2023 Despite valid service of notice, none appears on
behalf of Opposite Party no. 2.

2. Heard counsel for parties.

3. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
498A and 494 of the Indian Penal Code.

4. The prosecution story, in brief, is that the accused
persons including the petitioner tortured the victim due to non-
fulfillment of demand of dowry.

5. It has been submitted by learned counsel for the
petitioner that petitioner has falsely been implicated in the
present case due to petty family dispute. There is general and
omnibus allegation of demand of dowry and commission of



assault against petitioner. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is the husband of the victim and he is ready to keep the informant (wife) with full 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**. Petitioner has got clean antecedent.

6. On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R./ complaint case.

7. Considering the facts of the case, nature of accusation and clean antecedent of the petitioner, let the petitioner, above-named, in the event of his arrest/ surrender within a period of six weeks from today shall 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 Judicial Magistrate Ist Class, Raxaul at Motihari, East Champaran in connection with Darpa PS Case No. 87 of 2021, subject to conditions laid down u/s 438(2) of the Cr. P. C.

(Prabhat Kumar Singh, J)

vinita/-

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