

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46478 of 2023

Arising Out of PS. Case No.-17 Year-2021 Thana- AAJAM NAGAR District- Katihar

MD. FAIYAZ @ MOHAMMAD FAIYAZ, aged about 32 years, Gender, Male, S/o- Md. Yasin, R/o Village- Shrikol Ps- Azamnagar Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajeet Kumar, Advocate

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 28-07-2023 1. Heard learned counsel for the petitioner and the learned APP for the State.

2. Petitioner seeks regular bail in connection with Azamnagar P.S. Case No. 17 of 2021 dated 01.02.2021 registered for the offence(s) punishable under Section(s) 323, 341, 498(A), 504, 506/34 of the Indian Penal Code, Sections 3, 4 of D.P. Act and Section 4 of Muslim Woman (Protection of Right on Marriage) Act, 2019.

3. The main submissions advanced by the learned counsel for the petitioner are that the petitioner has been languishing in jail since 16.05.2023 and he is husband of the informant and his marriage with informant took place 10 years ago, so the allegation of cruelty made by his wife in the FIR against him is not believable and moreover he himself



surrendered before the court below but he was not allowed to furnish his bail bond despite the investigating officer having given him the benefit of Section 41 A of Cr.P.C.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly the completion of investigation against the petitioner and also the fact that the marriage between the petitioner and informant took place 10 years ago and the informant's main allegation against this petitioner is of having subjected her to cruelty for demand of dowry, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail in connection with Azamnagar P.S. Case No. 17 of 2021 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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