

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48862 of 2023

Arising Out of PS. Case No.-7542 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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Azam Khan @ Md. Azam Khan Son Of Late Nezamuddin Khan R/O-Ward
No. 2, Main Road, Unchari, P.S.-GARHWA, Distt.-Garhwa (State-Jharkhand)

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Zeenat Praveen, Wife Of Raza Khan R/O-Mahmood Shah Lane, Sabzibagh,
P.S.-Pirbhore, Distt.-Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Ataul Haque, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending his arrest
in connection with Complaint Case No. 7542(C) of 2021,
registered for the offences under Sections 498A and 323 of the
Indian Penal Code.

3. As per prosecution case, petitioner is the elder
brother of the husband of the complainant and there is allegation
of demand of dowry and torture related to dowry. Further
allegation against the petitioner is that he demanded sexual
favours from the complainant.

4. Learned counsel for the petitioner submits that



petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged in the complaint petition has ever taken place and story of the complainant is imaginary, false and fabricated. The complainant was never tortured and no dowry was ever demanded from her. The allegations are general, omnibus and vague. The marriage was solemnized in the year 2013 and the instant case has been instituted in the year 2021 with false allegations. The petitioner is the elder brother of the husband of the complainant and has got no concern with the lives of the complainant or husband and the petitioner has been living separately from them.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that petitioner is stated to be the elder brother of the husband of the complainant and it has also come in the complaint that the husband of the complainant is in illicit relationship with some other woman and also considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail,



on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna/ court concerned in connection with Complaint Case No. 7542(C) of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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