

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.22723 of 2017**

Arising Out of PS. Case No.-326 Year-2016 Thana- PATLIPUTRA District- Patna

Attam Hayat, S/o Sauqat Hayat, Resident of Village- 104, Abhilasha Apartment, P.S- Patliputra, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Maliha Bano, W/o Attam Hayat, D/o Rafique Ahmad, Resident of Village- Khan Mirja Banglaw, P.S. Sultanganj, District- Patna.

... .. Opposite Party/s

**Appearance :**

|                         |   |                                 |
|-------------------------|---|---------------------------------|
| For the Petitioner/s    | : | Mr. Nafisuzzoha, Advocate       |
| For the State           | : | Mr. AHTASH ALI KHAN, APP        |
| For opposite party No.2 | : | Mr. Anil Kumar Saxena, Advocate |

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**

ORAL ORDER

5      22-09-2017      Heard learned counsel for the petitioner, learned APP for

the State and learned counsel for the opposite party No.2.

The petitioner is apprehending his arrest in a case registered under Section 498A/34 of the Indian Penal Code and  $\frac{3}{4}$  of Dowry Prohibition Act.

The matter was referred to the Patna High Court, Mediation Centre vide order dated 6.6.2017. As per the report of the Mediator, the mediation has failed. The report submitted by the Mediator is as follows :

“Inspite of best and sincere efforts, the mediation could not succeed.

Hence, mediation failed.”

Allegation against the petitioner is of committing torture upon the victim due to non-fulfilment of demand of dowry.



It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to petty family dispute. The case is triable by the Magistrate. The petitioner has 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.

On behalf of the State and learned counsel for opposite party No.2, it is submitted that petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Smt. Divya Mitta, J.M., Patna in connection with Patliputra P.S. case No.326 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

**(Sudhir Singh, J)**

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