

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40633 of 2018

Arising Out of PS. Case No.-88 Year-2018 Thana- CHAND District- Bhabhua (Kaimur)

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1. Javed Khan, S/o Ahsan Khan,
 2. Ahsan Khan S/o Shagir Khan,
 3. Shakila Begum @ Shakila W/o Ahsan Khan, All R/o Vill.- Devaitha, P.S.- Chand, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Rijawana Khatun W/o Javed Khan, D/o Aurangjev Khan, R/o Vill.- Karwandiya, P.S.- Chand, District- Kaimur at Bhabua.

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Rajani Kant Pandey, Adv.
For the State	:	Mr. Md. Sufiyan, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-07-2018 Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the opposite party No.2.

The petitioners are apprehending their arrest in a case registered under Sections 341, 323, 498A, 313, 504, 506/34 of the Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act.

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

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. There is no medical examination report in support of the allegations made in respect of offence under Section 313 of the I.P.C. Rest of the offences are



triable by the Magistrate. The petitioners have 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 the opposite party No.2, it is submitted that the petitioners are named in the complaint case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, 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 learned Judicial Magistrate, Kaimur at Bhabua in connection with Chand P.S. case No.88 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

If so advised, either of the parties will be at liberty to make an application before the Court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

(Sudhir Singh, J)

Narendra/-

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