

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26765 of 2017

Arising Out of PS.Case No. -682 Year- 2015 Thana -COMPLAINT CASE District- ARRARIA

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Md. Mofil S/o - Nasimuddin Resident of Village - Pathraha, P.S. Ghurna
(Narpatganj), District - Araria.

.... Petitioner

Versus

1. The State of Bihar.
2. Bibi Nasira Khatoon W/o - Md. Mofil, D/o - Md. Hamza Resident of
Village - Pathraha, P.S. Ghurna (Narpatganj), District - Araria.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Md. Naushad Uzzoha, Advocate.

For the State : Mr. Anil Kumar Singh 1, A.P.P.

For the O.P. No. 2 : Mr. Mukesh Kumar Rana, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

6 18-01-2018

Heard learned counsel for the petitioner, learned

A.P.P. for the State and learned counsel for the opposite party no.

2.

The petitioner is apprehending his arrest in a case for
the offence registered under Section 498(A) of the IPC.

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

Vide order dated 05.09.2017, the matter was referred
to the Mediation Centre, Araria Civil Court, Araria, for settlement
of the dispute. As per the report of the Mediator, the mediation has
failed.

It has been submitted by learned counsel for the



petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the 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 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.

On behalf of the learned counsels for the State and opposite party no. 2, it has been submitted that the petitioner is named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or 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 the learned A.C.J.M.-II, Araria, in connection with Complaint Case No. 682C of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)