

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48628 of 2016

Arising Out of PS. Case No.-384 Year-2015 Thana- BAKHTIARPUR District- Saharsa

Md. Kaisharuddin @ Md. Kaisher S/o Md. Jabbar, Resident of Village- Lagma, P.S. Bakhtiarpur, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Arsiya D/o Mantakibul, W/o Md. Kaisher, resident of Village- Lagma, P.S.- Bakhtiarpur, District- Saharsa, at present village- Harewa, P.S. Salakhua, District- Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Nafisuzzoha, Adv.
For the State	:	Smt. Anusuiya Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

8 01-05-2018 None appears on behalf of the opposite party No.2.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered under Sections 498A/34, 341, 323 of the Indian Penal
Code and ³/₄ of Dowry Prohibition Act.

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

The matter was referred to the Mediation Centre, Patna
High Court by order dated 23.08.2017. It has been reported by
the Mediator that the mediation has failed.

It has been submitted on behalf of the petitioner that the



petitioner has got no criminal antecedent. 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, it is submitted that the 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 learned C.J.M., Saharsa in connection with Bakhtiarpur P.S. case No.384 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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