

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14269 of 2018

Arising Out of PS. Case No.-730 Year-2017 Thana- PHULWARI District- Patna

MD. ISHFAR KHAN @ ISHFAR KHAN S/o Md. Sanjur Khan, R/o Mohalla- Khusboo Gali, Duzara Main Road, P.S.- Budha Colony, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Sri Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

7 18-09-2018 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 Sections 498A, 506, 313, 315, 307, 323 of the Indian Penal Code.

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

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. There is no medical



report to support the allegations for constituting offence under Section 307 of the Indian Penal Code. As far as offence under Sections 313 and 315 IPC is concerned, in paragraph 18 of the case diary, it has come that the abortion has taken place on the advice of the doctor with the consent of the parties. Rest of the offences are 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 Complaint Case/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 A.C.J.M. XV, Patna in connection with Phulwarisharif P.S. Case No. 730 of 2017, 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)

Pankaj/-

U		T	
---	--	---	--

