

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.62996 of 2018

Arising Out of PS.Case No. -385 Year- 2017 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN (MOTIHARI)

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Masihullah @ Masiullah @ Saddam, Son of Late Atiullah, Resident of
Village-Karsahiya, P.S. Dhaka, Distt.-East Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. Kausar Khatoon, W/o Masihullah @ Masiullah @ Saddam, D/o S.K. Ejajul Haque, Resident of Village-Shyambakhri Balua, P.S.-Khaka, Distt.-East Champaran.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Zaki Haider, Advocate.
For the State : Mr. Sanjay Kumar Tiwary, A.P.P.
For the O.P. No. 2 : Mr. Dilip Kumar Tondaon, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-10-2018 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 Sections 498(A) of the IPC and 3/4 of
the D. P. Act.

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

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 S.D.J.M. Sikrahana at Dhaka, District-East Champaran, in connection with Complaint Case No. 385 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.

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(Sudhir Singh, J)

