

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43757 of 2018

Arising Out of PS.Case No. -211 Year- 2018 Thana -TURKAULIYA District-
EASTCHAMPARAN (MOTIHARI)

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Md. Aasim, Son of Shekh Abaidullah @ Shekh Obaidullah, Resident of
Village- Semra, P.S. Majhauilya, District- West Champaran, Bettiah.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Anshu Dhar Sharma, Advocate.
For the State : Mr. Amitesh Kumar, A.P.P.
For the Informant : M/S. Ranjeet Kumar, Kundan Kumar and
Pramod Kumar Prasad, Advocates.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 05-09-2018

Heard learned counsel for the petitioner, learned

A.P.P. for the State and learned counsel for the informant.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 498(A), 323, 307, 504, 506
of the IPC and ¾ 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.

By order dated 20.07.2018, an opportunity was given
to the parties for reconciliation/one time settlement. On behalf of
the parties, it has been submitted that reconciliation or one time



settlement could not be arrived.

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. No offence under Section 307 of the IPC is made out in the present case. Rests of the offences are 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 the informant, 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 C.J.M., Motihari, E. Champaran, in connection with Turkauliya (Banjaria) P.S. Case No. 211 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.

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(Sudhir Singh, J)

