

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51725 of 2019

Arising Out of PS. Case No.-376 Year-2019 Thana- NAWADA District- Nawada

MD. SHAHNAWAZ ALAM, (Male), aged about 22 years, Son of Md. Shakoor @ Sakoor Sheikh, Resident of Gulzar Nagar, Bhadauni, P.S.- Nawada Town, District- Nawada.

... .. Petitioner

Versus

1. The State of Bihar.
2. Apsara Khatoon @ Afsana Khatoon (Female), Wife of Md. Shahnawaz Alam, D/O - Md. Israfil Resident of Village - Pipra, P.S.- Wazirganj, District- Gaya.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Deepak Kumar, Advocate.
For the O.P. No. 2	:	M/S. Arun Kumar Bhagat and Asif Klim, Advocates.
For the State	:	Mr. Uma Shankar Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 12-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsels for the petitioner, opposite party no. 2 and learned counsel for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 498(A) of the I.P.C. 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.

Vide order dated 16.11.2019, earlier the matter was referred to the Mediation Center, Patna High Court Legal Services Committee. The report of the Mediator is kept on record at Flag-'D'. It appears from the report of the Mediator that the mediation has failed.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. The petitioner has falsely been implicated in the present case due to petty family dispute. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is the husband of the victim. 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) P.L.J.R. 182.

On behalf of the State and opposite party no. 2, it is submitted that the petitioner is named in the F.I.R/ Complaint Case.

Considering the facts and circumstances of the case and also the lockdown, 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 his personal bond to the satisfaction of learned C.J.M.,
Nawada, in connection with Nawada Town P.S. Case No. 376 of
2019, subject to the conditions as laid down under Section
438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall
furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with
two sureties of the like amount each within a period of seven
weeks to the satisfaction of the court concerned in connection
with the aforesaid case.

(Sudhir Singh, J)

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