

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52511 of 2019

Arising Out of PS. Case No.-1261 Year-2017 Thana- COMPLAINT CASE District- Araria

Md. Imtiyaz Ray @ Md. Imtiyaz @ Md. Imtiyaz Ahmad, age-32 years, Male,
S/o Md. Ali Ray @ Md. Ali, Resident of Village- Muzaffar Nagar,
Madhopara, Ward No.28, P.S.- K. Hat, District- Purnea.

... .. Petitioner

Versus

1. The State of Bihar.
2. Tasrina Khatoon, W/o Md. Imtiyaz Ray @ Md. Imtiyaz @ Md. Imtiyaz Ahmad, Resident of Village- Sirsayed Colony, Islam Nagar, Ward No.2, P.S. and District- Araria.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr.Bal Govind Sharma, Advocate.
For the State	:	Mr.Syed Ehteshamuddin, A.P.P.
For the O.P. No. 2	:	Mr. Md. Naushaduzzoha, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 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 379, 498(A) of the I.P.C. and 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 15.10.2019, earlier the matter was referred to the Mediation Center, Patna High Court, Patna. The report of the Mediator is kept on record at Flag-'M'. It appears from the report of the Mediator that due to non co-operation of the parties, 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, 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 S.D.J.M.,



Araria, in connection with Complaint Case No. 1261C of 2017, 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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