

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12872 of 2021

Arising Out of PS. Case No.-929 Year-2018 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

MD. NASIM, (Male), aged about 28 years, Son of Nurul, Resident of Village
- Padma, P.S.- Ladaniya, District – Madhubani.

... .. Petitioner

Versus

1. The State of Bihar.
2. Rukhasana Khatoon, aged about 25 years, Female, Wife of Md. Nasim
Daughter of Bilat Mansuri, Resident of Village - Mahthaur, P.S.- Basopatti,
District – Madhubani.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Ravi Prakash, Advocate.
For the State	:	Mr. Choubey Jawahar, A.P.P.
For the Informant	:	Mr. Ratnakar Jha, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-07-2021 Learned counsel for the petitioner is directed to

remove the defects, as pointed out by the office, within a period

of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner, learned
counsel for the opposite party no. 2 and learned A.P.P. for the
State through Virtual mode.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 323, 341, 379, 498(A),
504, 506, 376 of the I.P.C. and $\frac{3}{4}$ 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 is also alleged that the father
and brother of the petitioner also established physical
relationship with the victim.



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 petitioner is the husband of the victim. As far as offence under Section 376 of the I.P.C. is concerned, the same is alleged against other co-accused persons. The opposite party no. 2 has not submitted any medical evidence in support of offence under Section 376 of the I.P.C. Except for offence under Section 376 of the I.P.C., 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 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 of the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned J.M. Ist Class,



Madhubani, in connection with C.R. Case No. 929/2018, 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) only with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

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. In case, any such application is made by either of the parties, the court below shall refer the matter to the District Mediation Centre.

The opposite party no. 2 also will be at liberty to make an application before the concerned Family Court for the purpose of maintenance, if so advised.

(Sudhir Singh, J)

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