

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2825 of 2020

Arising Out of PS. Case No.-2443 Year-2018 Thana- SARAN COMPLAINT CASE District-
Saran

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MD. FIROZ Son of Late Md. Maksud Resident of Baniyapur Ahara, P.S. -
Baniyapur, District - Saran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Jahana Khatoon Wife of Md. Firoz D/o- Md. Kasim, a resident of Baniyapur Ahara, P.S. - Baniyapur, District - Saran At present - a resident of Village - Jagatiya, P.S. - Daudpur, District - Saran.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr.Harish Kumar, Advocate
For the State	:	Mr.Md. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 29-10-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

Vide order dated 27.02.2020 passed by a Co-ordinate Bench of this Court, notices were issued upon the opposite party No.2. As per the office note dated 10.06.2020, the notice upon the opposite party No.2 has been validly served.

None appears on behalf of the opposite party No.2.

The petitioner is apprehending his arrest in connection with Complaint case No.2443/18 registered under Sections 498A of the Indian Penal Code and 4 of Dowry Prohibition Act.

Allegation against the petitioner is of committing torture upon the victim due to non-fulfilment of demand of



dowry.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The case is triable by the Magistrate. The petitioner has 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 State, it is submitted that the petitioner is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, 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 furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Saran in connection with Complaint case No.2443/18, 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. In case, any such application is made by either of the parties, the court below shall refer the matter to the District Mediation Centre.

(Sudhir Singh, J)

Narendra/-

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