

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8424 of 2020

Arising Out of PS. Case No.-470 Year-2019 Thana- BUXAR District- Buxar

MUKHTAR ALAM Son of Mahboob Alam Resident of Mohalla - Haji Harman Colony, Naya Tola, Phulwarisharif, P.S.- Phulwarisharif, District- Patna, Bihar Presently living in Red Cross, Near Model Thana, P.S.- Buxar, District- Buxar, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rukhsana Khatoon Wife of Md. Gauhar Ansari Daughter of, R/O - Nalband Toli, P.S.- Buxar Town, District- Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sudha Chandra
For the Opposite Party/s	:	Mr.Ram Bachan Singh
For the complainant	:	Mr. Shailesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 23-08-2021 Heard learned counsel for the petitioner and the State through virtual mode.

The petitioner is apprehending his arrest in Buxar Town P.S. Case No. 470 of 2019 registered under Sections 498(A), 313, 323, 504/34 of the Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act.

Allegation against the petitioner is of committing torture upon the victim due to non-fulfillment 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 due to petty family dispute. The petitioner is husband of the victim. There is no medical examination report in support of offence under Section 313 of the Indian Penal Code. Except 313 of the Indian Penal Code, all offences are triable by 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 aforesaid 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 his personal bond to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar Town P.S. Case No. 470 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 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.

(Sudhir Singh, J)

A.K.V.//-

U		T	
---	--	---	--

