

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11335 of 2020**

Arising Out of PS. Case No.-228 Year-2019 Thana- JAGDISHPUR District- Bhagalpur

MD. AYUB Son of Sahabuddin Resident of Chhoti Pool, Dinnagar, Puraini,
P.S.- Jagdishpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Ashraf Ansari

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

4 22-10-2021 Heard learned counsel for the petitioner and the
State through virtual mode.

Learned counsel for the petitioner submits that the present application was filed on 15-02-2020. By order dated 30-06-2020 passed by co-ordinate Bench of this Court, notices were issued upon O.P. No. 2 and requisites were filed within eight weeks but due to pandemic, the compliance of the above-said order could not be made within time. As per office note dated 10-09-2021, the present application could not be dismissed for non-compliance to the above-referred order in the light of order passed by Full Bench in CWJC No. 5633 of 2020. Counsel for the petitioner submits that the matter is pending for more than a year. Hence the present application be disposed of on merit.

The petitioner is apprehending his arrest in Jagdishpur



P.S. Case No. 228 of 2019 registered under Sections 498(A), 341, 323, 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. 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 furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Bhagalpur in connection



with Jagdishpur P.S. Case No. 228 of 2019 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.

(Sudhir Singh, J)

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