

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27192 of 2021

Arising Out of PS. Case No.-1555 Year-2017 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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MD KHIZER HAYAT@ KHIJAR HAYAT S/o Late Sk. Md. Ibrahim Resident
of Village- Baswariya, Daroga Tola, P.S.- Bettiah Town, Dist- West
Champaran.

... .. Petitioner

Versus

1. The State of Bihar
2. Sabra Khatoon W/o Md. Khizer Hayat @ Khijar Hayat, D/o Hafiz Ahmad Hussain Resident of Mohalla- Koiri Tola, Adarsh Colony, Ward No.37, P.S.- Bettiah Town, Distt- West Champaran.

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr. N. N. Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-07-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in a case
registered under Section 498A of the Indian Penal Code and 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 case is triable by the Magistrate. It has further been submitted on behalf of the petitioner that an application under Section 281 of the Muslim Law was made before the Principal Judge, Family Court where a final order has been passed vide order dated 26.10.2018 on the basis of a compromise. The said order is Annexure-2 to the present application. 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 and also the lockdown, the petitioner, above named, in the event of arrest/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 S.D.J.M., Bettiah, West Champaran in connection with Complaint Case No. 1555-C/2017 (S.C. No. 1342/2019), 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.

(Sudhir Singh, J)

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