

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35206 of 2021

Arising Out of PS. Case No.-301 Year-2020 Thana- NARPATGANJ District- Araria

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1. MD. IRSHAD @ IRSHAD @ BECHAN Son of Md. Safaz Resident of Village - Sonapur Ward No. 09, Police Station - Narpatganj (Bathnaha), District - Araria.
 2. Md. Masoom Son of Md. Safaz Resident of Village - Sonapur Ward No. 09, Police Station - Narpatganj (Bathnaha), District - Araria.
 3. Angoori Khatoon Daughter of Md. Safaz Resident of Village - Sonapur Ward No. 09, Police Station - Narpatganj (Bathnaha), District - Araria.
 4. Sahina Khatoon Wife of Md. Safaz Resident of Village - Sonapur Ward No. 09, Police Station - Narpatganj (Bathnaha), District - Araria.
 5. Md. Safaz Son of Late Fuddih Resident of Village - Sonapur Ward No. 09, Police Station - Narpatganj (Bathnaha), District - Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rukhsar Khatoon Wife of Irshad Bechan Resident of Village - Sonapur Ward No. 09, Police Station - Narpatganj (Bathnaha), District - Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana, Advocate
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-08-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

The petitioners are apprehending their arrest in connection with Narpatganj (Bathnaha) P.S. case No.301 of 2020 registered under Sections 498A, 341, 323, 325, 307, 354B, 379, 504/34 of the Indian Penal Code and ¾ of Dowry



Prohibition Act.

Allegation against the petitioners is of committing torture and assault upon the victim due to non-fulfilment of demand of dowry.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The petitioner No.1 is the husband, petitioner No.2 is brother-in-law, petitioner No.3 is sister-in-law, petitioner No.4 is mother-in-law and petitioner No.5 is father-in-law of the victim. The case is triable by the Magistrate. The petitioners have 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. From perusal of the order of the Sessions Court, it appears that the matter has already been compromised between the parties and there is no injury report on record to support the allegations in respect of offence under Section 307 of I.P.C.

On behalf of the State, it is submitted that the petitioners are named in the complaint case/F.I.R.

Considering the facts and circumstances of the case



and also the lockdown, the petitioners, 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 their personal bond to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Narpatganj (Bathnaha) P.S. case No.301 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners will 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, the petitioner No.1 or the opposite party No.2 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.

Narendra/-

(Sudhir Singh, J)

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