

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25106 of 2019

Arising Out of PS. Case No.-577 Year-2017 Thana- NAWADAH COMPLAINT CASE
District- Nawada

MD. FAIYAZ Son of Ainul Haque, Resident of Village- Dumari, P.S.- Govindpur, District- Nawada, Presently Residing at Mohalla- Tindurti Prasant Nagar, P.S.- Musulbara, Town and District- Vishakhapatnam.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Farhana Sahin, Daughter of Md. Sarfuuddin, Resident of Village- Sonsihari, P.S.- Mufassil Nawada, District- Nawada, Presently Residing at Mohalla- Tindurti Prasant Nagar, P.S.- Musulbara, Town and District- Vishakhapatnam.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Arun
For the Opposite Party/s : Mrs.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

11 27-09-2021 Heard learned counsel for the petitioner and learned APP for the State. None appears on behalf of O.P. No. 2.

The matter has been pending since 2019. Hence, the petitioner presses that let the order be passed on merit.

The petitioner is apprehending his arrest in Complaint Case No. 577/2017 in which cognizance has been taken under Section 498A of the Indian Penal Code and Section 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. 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, let 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 furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Nawada in connection with Complaint Case No. 577/2017, 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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