

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35628 of 2021

Arising Out of PS. Case No.-801 Year-2020 Thana- MADHAURAH District- Saran

1. MD. BASHIR Son of Late Abul Qaish Resident of Village- Kasba Maker Dakshin Tola, P.S.- Maker, District- Saran and New Azimabad Colony, Near Sanichara Mandir, Mahendra, Bahadurpur, Patna

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Tabassum Khatoon D/o Abdul Rahman, W/o Bashir Resident of Village- Jodhmati Tola, Bathana, P.S.- Marhaura, District- Saran.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Gautam Kumar Yadav, Advocate
For the State	:	Mr. Bharat Lal, APP
For opposite party No.2	:	Mr. Bishwajeet Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-08-2021 Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the opposite party No.2 through virtual mode.

Counsel for the petitioner 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 petitioner is apprehending his arrest in connection with Marhaura P.S. case No.801 of 2020 registered under Sections 341, 323, 504, 506, 498A 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-fulfilment 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. 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 and learned counsel for the opposite party No.2, it is submitted that the petitioner is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case and also the lockdown, 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, Saran at Chhapra in connection with Madhora P.S. case No.801 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 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. In case, any such application is made by either of the parties, the court below shall refer the matter to the District Mediation Centre.

(Sudhir Singh, J)

Narendra/-

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