

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39767 of 2021

Arising Out of PS. Case No.-231 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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KALAMUDDIN KHAN @ RAJA S/o Mastakim Kha Resident of Village-
Parsa Paithan Patti, P.S.- Darpa, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Afsana Khatoon W/o Kalamuddin Khan @ Raja, D/o Sami Alam Khan
Resident of Village- Parsa Paithan Patti, P.S.- Darpa, District- East
Champaran, at present resident of Village- Azad Nagar, P.S.- Dhaka,
District- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III
For the Opposite Party/s : Mr.Suman Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-08-2021 Heard learned counsel for the petitioner and the State
through virtual mode.

Learned counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in Trial No. 3618
of 2018 arising out of Complaint Case No. C-231 of 2018
registered for the offence under Sections 498A/34 of the Indian
Penal Code and ¾ 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 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. On the earlier occasion, a case was instituted for similar offence against the petitioner. 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 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 Sub Divisional Judicial Magistrate, Sikrahana at Dhaka, Motihari, East Champaran in connection with Trial No. 3618 of 2018 arising out of Complaint Case No. C-231 of 2018 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.

(Sudhir Singh, J)

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