

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42190 of 2021

Arising Out of PS. Case No.-501 Year-2020 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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Habibullah Khan @ Saheb Khan S/O Mojibullah Khan R/O Village-Khijirpur,
Bangla Chhota Masjid, P.S-Zamania, District-Ghazipur (U.P.)

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sahina Begum W/O Habibullah Khan @ Saheb Khan R/O Village-Khijirpur,
Bangla Chhota Masjid, P.S-Zamania, District-Ghazipur (U.P.), At Present
Address-D/O Late Mustaq Khan, R/O Village-Dumari, P.S-Durgawati,
District-Kaimur At Bhabua.

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr.Parwej Khan, Advocate
For the State : Mr.Rajesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-11-2021 Heard learned counsel for the petitioner and learned

APP for the State.

Counsel for the petitioner is directed to remove the
defect(s), as pointed out by the office, within a period of eight
weeks.

The petitioner is apprehending his arrest in connection
with Complaint case No.501 of 2020 registered under Section
498A of the Indian Penal Code and 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, it is submitted that the petitioner is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, 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 furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Sri Prateek Anand Dwivedi, Judicial Magistrate 1st class, Kaimur at Bhabua in connection with Complaint case No.501 of 2020, 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. 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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