

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53694 of 2021**

Arising Out of PS. Case No.-802 Year-2020 Thana- BHABHU(KAIMUR) COMPLAIN C  
District- Kaimur (Bhabua)

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Irshad Khan @ Irsad Khan Son Of Jalalluddin Khan R/O Village- Sirbit, P.S.-  
Chainpur, Dist.- Kaimur At Bhabua

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Hina Khatun Wife Of Irsad Khan, D/O Kyum Khan R/O Village- Sirvit,  
P.S.- Chainpur, Dist.- Kaimur At Bhabua, At Present Address Village- Biur,  
P.S.- Chainpur, Dist.- Kaimur At Bhabua

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Rajani Kant Pandey  
For the Opposite Party/s : Mr. N. N. Tiwary, APP

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      29-10-2021                      Heard learned counsel for the petitioner and learned APP  
for the State through virtual mode.

Learned counsel for the petitioner is directed to remove  
the defects, as pointed out by the Office, within a period of eight  
weeks.

The petitioner is apprehending his arrest in a case registered  
under Sections 498A, 509, 511 of the Indian Penal Code and <sup>3</sup>/<sub>4</sub> 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.

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 Chief Judicial Magistrate, Kaimur at Bhabua in connection with Complaint Case No. 802 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.

**(Sudhir Singh, J)**

Pankaj/-

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