

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4012 of 2021

Arising Out of PS. Case No.-2 Year-2020 Thana- MAHILA P.S. District- Saran

SARFARAZ KHAN @ SANNI, aged about 32 years (M), Son of Mahammad Nizamuddin Khan @ Nizam, Resident of Mohalla-Naye Quila, P.S.- Siwan town, District-Siwan.

... .. Petitioner

Versus

1. The State of Bihar.
2. Kahkasa Parveen @ Jugnu, Daughter of Mohammad Hasrat Khan @ Anil, Resident of Mohalla-Brahmpur, P.S.- Bhagwan Bazar, District-Saran.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr.Ajay Kumar Pandey, Advocate.
For the State	:	Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-04-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Heard learned counsel for the petitioner and learned A.P.P. for the State through Virtual mode.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 323, 498(A), 406, 379, 307, 313/34 of the IPC and ¾ of the D. P. Act.

The prosecution story, in brief, is that the accused persons including the petitioner tortured the victim due to non-fulfilment of demand of dowry.

It has been submitted by learned counsel for the



petitioner that the petitioner has falsely been implicated in the present due to petty family dispute. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is the husband of the victim. There is no medical examination report in respect of offence under Sections 307 and 313 of the I.P.C. Rests of the offences are triable by the Magistrate. The petitioner has further 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 learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) only with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Saran at Chapra, in connection with Saran Mahila P.S. Case No. 02/20, 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.

The opposite party no. 2 will be at liberty to make an application before the concerned Family Court for the purpose of maintenance, if so advised.

(Sudhir Singh, J)

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