

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60563 of 2019

Arising Out of PS. Case No.-1119 Year-2012 Thana- COMPLAINT CASE District- Supaul

MD. AZAM @ AZAM Son of Sekh Suyeb Resident of Village - Mohanpur,
Kathara, P.S.- Chhatapur, Dist.- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Samina Khatoon W/o Md. Azam , D/o Md. Mojib Resident of Village - Mohanpur, P.S.- Jodia, Dist.- Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Naresh Kumar Mehta

For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

4 07-12-2021 By order dated 16-10-2019 passed by a coordinate bench

of this court, notices were issued upon the O.P. No. 2. Again by order dated 04-03-2020 passed by another coordinate bench of this court, the notices were issued upon O.P. No. 2 within a peremptory time but the requisites could not be filed within time. In the light of the Hon'ble full bench order dated 30-04-2020, passed in CWJC No. 5633 of 2020 and its subsequent order, DFD order could not be passed. On behalf of the petitioner, it has been submitted that the present application has been pending since 23-09-2019 i.e. for more than two years. Therefore, learned counsel for the petitioner prays that let the present application be disposed of on merit.

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case registered under Sections 323, 324, 308, 379, 498A of the Indian Penal Code.

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 petitioner is husband of the victim. There is no injury report in support of the offence under Section 308 of the Indian Penal Code. Except Section-308 of the Indian Penal Code, rest of the offences are 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 aforesaid 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 bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Supaul in connection with Complaint Case No. 1119C of 2012 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)

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