

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.77583 of 2019**

Arising Out of PS. Case No.-821 Year-2017 Thana- MADHUBANI COMPLAINT CASE  
District- Madhubani

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GULSHAD ALAM Son of Late Hades Resident of Village-Basha, P.S-  
Babubarhi, District-Madhubani.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rahina Khatoon D/o Kajim Resident of Village-Sohan, P.S.-Bisfi (Pauttona),  
District-Madhubani.

... .. Opposite Party/s

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**Appearance :**

|                         |   |                                   |
|-------------------------|---|-----------------------------------|
| For the Petitioner      | : | Mr.Shailendra Kumar Jha, Advocate |
| For the State           | : | Mrs.Pushpa Sinha, APP             |
| For opposite party No.2 | : | Mr. Md. Soban Asghar, Advocate    |

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

4      17-11-2021                      Heard learned counsel for the petitioner, learned APP  
for the State and learned counsel for the opposite party No.2.

The petitioner is apprehending his arrest in connection  
with C.R. case No.821/2017 registered under Sections 147, 323,  
379, 498A, 307 of the Indian Penal Code and  $\frac{3}{4}$  of Dyan 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. There is no medical examination report in support of the allegation made under Section 307 of I.P.C. 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 and learned counsel for the opposite party No.2, 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 learned 1<sup>st</sup> class J.M. Madhubani in connection with C.R. case No.821/2017 corresponding to T.R. No.2114/2019, 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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