

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2514 of 2020

Arising Out of PS. Case No.-1251 Year-2017 Thana- COMPLAINT CASE District- Banka

MD. HASNAIN ANSARI @ HASNAIN S/o Md. Sabul Ansari @ Md. Sabool Ansari R/o village- Mubarakpur, P.S.- Bounsi, District- Banka

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Bibi Sohila Khatoon W/o Md. Hashnain Ansari @ Hasnain, D/o Md. Sharif Ansari R/o village- Hechla, P.S.- Bounsi, Distt.- Banka

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Sanjay Kumar Jha, Advocate
For the State	:	Mr.Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 29-10-2021 Heard learned counsel for the petitioner and learned APP for the State through virtual mode.

Vide order dated 23.01.2020, notices were issued upon the opposite party No.2 by a Co-ordinate Bench of this Court. As per the office note dated 08.10.2021, the notice upon the opposite party No.2 has been validly served.

None appears on behalf of the opposite party No.2.

The petitioner is apprehending his arrest in connection with Complaint case No.1251/2017 registered under Sections 498A/406 of the Indian Penal Code and ³/₄ 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 learned S.D.J.M., Banka in connection with Complaint case No.1251/2017, 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/-

U		T	
---	--	---	--

