

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3488 of 2020

Arising Out of PS. Case No.-1012 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Md. Hasnain S/o Alhaj Abul Kalam R/o Village- Bazarsamiti, P.S.- Sadar
(Mabbi O.P.), District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Homa Sofia W/o- Md. Hasnain, D/o- Md. Abunasar R/o- Mohalla- Senapath Colony, Quilaghat, P.O.- Lalbagh, P.S.- Town, District- Darbhanga, Presently, Mohalla- Kashipur, District- Samastipur, Permanent resident of Village- Birdipur, P.S.- Simri, District- Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Kamran
For the Opposite Party/s : Mr. Nitya Nand Tiwary

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 14-12-2021 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in a case registered under Sections 498A, 420, 406, 379, 368, 354, 307 of the Indian Penal Code and Sections 3/4 of the 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 there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present 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.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Samastipur in connection with C.R. No.1012/2018, 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.

(Anjani Kumar Sharan, J.)

Sanjay/-

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