

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.822 of 2020

Arising Out of PS. Case No.-318 Year-2019 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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JAVED ALAM KHAN Son of Iliyash Ahmad Khan @ Ileyash Ahamad Khan Resident of Village - Mickel Colony, Baswariya, Ward No. 28, P.S.- Bettiah, Distt - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Yashmin Pravin Wife of Javed Alam Khan Resident of Village - Teliyapatti, Bhawani Mandal Road Ward No. 03, P.S.- Motihari Town, Distt - East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hemant Kumar Sharan
For the Opposite Party/s : Mr.Khurshid Anwar
Mr.Asif Kalim

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 07-12-2021 Heard the parties.

The petitioner apprehends his arrest in a case registered under sections 406/498(A) of the IPC and sections 3/4 of Dowry Prohibition Act.

Allegation against the petitioner is of committing torture upon the victim due to non-fulfillment of demand of dowry and of ousting her out of the matrimonial house.

It is submitted by learned counsel for the petitioner that petitioner is an innocent person and has committed no offence. Petitioner has never made any dowry demand and has been falsely implicated in the present case. 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. It is submitted that the petitioner is ready and willing to keep his wife with full honour and dignity.

It is submitted by learned counsel for the informant that the informant-wife of the petitioner is also ready and willing to reside with the petitioner, provided, she is not tortured.

Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/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.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Complaint Case No.C-318/2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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)

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