

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9367 of 2022

Arising Out of PS. Case No.-106 Year-2021 Thana- GAYA COMPLAINT CASE District-
Gaya

TAHIR ALAM S/o Late Mojahir Miyan R/o village- Islampur, P.S.- Nautan,
District- West Champaran

... .. Petitioner

Versus

1. The State of Bihar
2. Shabnam Khatoon W/o Tahir Alam, D/o Late Pyare Hassan Khan R/o village- Islampur, P.S.- Nautan, District- West Champaran, At present Residing at Mohalla- Bajrangpuri Colony, New Aliganj, Road No. 04, P.S.- Chandauti, District- Gaya

... .. Opposite Parties.

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.
For the Opposite Party/s : Mr. Veena Rani Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-03-2022 Heard learned counsel for the petitioner and the State
through virtual mode.

Learned counsel for the petitioner is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

The petitioner is apprehending his arrest in a case initially registered under Sections 323, 342, 498(A) & 420 of the Indian Penal Code but later on, cognizance has been taken under Sections-498(A) & 323 of the Indian Penal Code only.

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. All 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 Miss Shaila Shukla, learned Judicial Magistrate-Ist Class, Gaya in connection with Complaint Case No. 106 of 2021 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The petitioner is directed to co-operate during the trial. If



the petitioner does not co-operate during the trial, the court below will be at liberty to cancel the bail bonds of the petitioner.

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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