

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9383 of 2022

Arising Out of PS. Case No.-939 Year-2020 Thana- PATNA COMPLAINT CASE District-
Patna

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MD PRAWEJ ALAM Son of Late Md. Jamaluddin @ Alam Resident of
Mohalla- Saluganj, P.S.- Biharsharif, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shaista Shabana Wife of Prawej Alam, D/o Late Md Salim Khan Resident at
Saluganj, P.S.- Biharsharif, District- Nalanda. At present resident of Bardi
Badalpura, P.S.- Khagaul, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh, Adv.
For the Opposite Party/s : Mr. A.G.

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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 Complaint
Case No. 939(C) of 2020 initially registered under Sections
498(A), 323, 506, 420, 406, 120B, 34 of the Indian Penal Code
but later on, cognizance has been taken under Sections-498(A),
323, 506, 420/34 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 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. On the earlier occasion also, a case was instituted against the petitioner and others by the complainant for similar offence. 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 learned Judicial Magistrate-Ist Class, Danapur, Patna in connection with Complaint Case No. 939 (C) of 2020 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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