

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21418 of 2022

Arising Out of PS. Case No.-302 Year-2021 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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1. MOBARAK @ MD. MUBARAK Son of Abdul Sattar @ Md. Sattar Resident of Village - Phulwaria, kairibari , Tara Adda, P.S.- Phulwaria, Distt.- Begusarai, at present Resident of Village - Gokultalla, Roshan Gali, New Basti, Lichi Bagan, P.S.- Nazirganj, Distt.- Howrah (W.B.)
 2. Shabnam Parveen @ Shabnam Praveen @ Shabnam Khatoon W/o Mobarak @ Md. Mubarak Resident of Village - Phulwaria, kairibari , Tara Adda, P.S.- Phulwaria, Distt.- Begusarai, at present Resident of Village - Gokultalla, Roshan Gali, New Basti, Lichi Bagan, P.S.- Nazirganj, Distt.- Howrah (W.B.)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nazni Khatoon W/o Md. Rizwn, D/o Md. Subhan Presently Resident of Village - Purani Bazar, Teghra, Ward no.14, P.S.- Teghra, Distt.- Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Md. Fahimuddin, Advocate
For the Opposite Party/s	:	Mr.Surendra Prasad Singh, APP
For the Informant	:	Mr. Sandip Kumar Gautam, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-05-2022 Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the informant through virtual mode.

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

The petitioners are apprehending their arrest in a case registered under Sections 498A of the Indian Penal Code.

Allegation against the petitioners is of committing



torture upon the victim due to non-fulfillment of demand of dowry.

It has been submitted on behalf of the petitioners that they have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case due to petty family dispute. Petitioner no. 1 is brother-in-law and petitioner no. 2 is gotani, of the victim. The case is triable by the Magistrate. The petitioners have 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 and the informant, it is submitted that the petitioners are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, 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.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Begusarai in connection with Complaint



Case No. 302 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The petitioners are directed to co-operate during the trial. If the petitioners do not co-operate during the trial, the Court below will be at liberty to cancel the bail bonds of the petitioners.

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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