

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31227 of 2021

Arising Out of PS. Case No.-572 Year-2020 Thana- PHULWARISHARIF District- Patna

Md. Ittafaque Rahmani, Son of Late Md. Gulam Rahmani, R/o Village
Madhepura Ward No.11, P.S. & District Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-01-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of normal court proceedings. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner apprehends his arrest in a case registered under Section 498(A) 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 additional demand of dowry.

It has been submitted on behalf of the petitioner that



there is no allegation of tampering of witnesses 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 FIR.

Considering the aforesaid facts and circumstances, let petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IX, Patna in connection with Phulwarisharif P.S. Case No.572 of 2020, 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.



Further, petitioner is ready to pay Rs.10,000/- (rupees ten thousand) per month to the informant for a period of one year, within which period, it is expected that the informant shall file a maintenance case before the learned Family Court for grant of maintenance and petitioner shall also abide that order, either ad interim or final, passed by learned Family Court.

It is also made clear that in case of failure to pay Rs.10,000/- (rupees ten thousand) to the informant continuously for three months, the informant would be at liberty to move for cancellation of bail bond of the petitioner before the learned court below itself.

(Anjani Kumar Sharan, J.)

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