

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31213 of 2021

Arising Out of PS. Case No.-7 Year-2020 Thana- MAHILA P.S District- West Champaran

NOOR MOHAMMAD MIAN S/o Late Sakur Mian Resident of Village-
Sathi, P.S.- Sathi, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Rubina Khatoon @ Ujali Khatoon, W/o Noor Mohammad Mian, D/o Israil Mian, Resident of Village Ban Bairiya, P.S. Sahodara, District West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sanjeev Kumar
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 Sections 341, 323, 406, 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 Chief Judicial Magistrate, Bettiah, West Champaran in connection with Mahila P.S. Case No.07 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.5,000/- (rupees five thousand) per month to O.P. No.2/informant for a period of one year, within which period, it is expected that O.P. No.2/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.5,000/- (rupees five thousand) to O.P. No.2/informant continuously for three months, the O.P. No.2/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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