

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25636 of 2022

Arising Out of PS. Case No.-1105 Year-2021 Thana- VAISALI COMPLAINT CASE District-
Vaishali

MD. KAMIL @ MD. KAMIL KHAN S/o Md. Zahidullah Resident of
Village- Pusa Bazar, Ward No. 1, P.S.- Pusa, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. ANEEQUE ERAM D/o Mashkooor Ahmed Khan Resident of Village-
Majhauri, P.S.- Lalganj, District- Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam
For the Opposite Party/s : Mr. Ajay Kumar Jha
Mr. Shakil Ahmad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-08-2022 Heard learned counsel for the petitioner, learned counsel
for the O.P. No.2 and learned APP for the State.

Learned counsel for the petitioner undertakes to remove
the defects within three weeks. 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 323, 498A of the IPC and section 4 of Dowry
Prohibition Act.

Allegation against the petitioner is of committing torture
upon the victim in association with his family members for non-
fulfilment of demand of dowry. Several time panchayati was



held but the accused persons did not ready to keep the complainant till the fulfillment of their demand of dowry.

It is submitted by learned counsel for the petitioner that petitioner is an innocent person and has committed no offence. Petitioner has never made any torture upon the victim and has been falsely implicated in the present case due to grudge. He has never made any dowry demand from the informant. A divorce suit was filed by the petitioner on 18.03.2021 and after getting notice the complainant filed the present complaint case on 13.07.2021 after more than three months for extort money from him. 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*. It is submitted that the petitioner is still ready and willing to keep his wife with full honour and dignity.

Learned counsel for the O.P. No.2 has submitted that the O.P. No.2 is ready to live with the petitioner, provided she is not tortured.

Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail



bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Complaint Case No.C1-1105 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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.

(Anjani Kumar Sharan, J)

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