

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26822 of 2022

Arising Out of PS. Case No.-3 Year-2022 Thana- MAHILA PS District- Jehanabad

Md Meraj Alam Son Of Md. Zaffer Mallick R/O- Nohsa Road, Nohsa
Bagicha, New Taj Nagar, Phulwari, Dist.- Patna, Bihar 801501

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nusrat Perveen Wife Of Md. Merak Alam R/O- Mohalla-Fida Husaain Road
(KING Book Vaali Gali), P.S.- Jehanabad, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Syed Asfar Alam, Advocate
For the State	:	Mrs.Pronoti Singh, APP
For opposite party No.2	:	Mr.Anuj Kumar, Advocate
		Mr.Ravi Kant Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-11-2022 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the opposite party No.2.

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 a case
registered under Sections 498A, 313, 504, 506 and 34 of the
Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act.

Allegation against the petitioner is of committing torture
and assault upon the victim due to non-fulfilment of demand of
dowry.

It has been submitted on behalf of the petitioner that the



petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The abortion of the victim is alleged to have taken place when the petitioner was in Kuwait. Said abortion was for different reasons due to medical complications. Except for offence under Section 313 of I.P.C., 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. The petitioner further undertakes to appear in the Maintenance case, which has been filed by the victim in the Family Court.

On behalf of the State and learned counsel for the opposite party No.2, it is submitted that the petitioner is named in the complaint case/F.I.R.

Considering the 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 bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M.,



Jehanabad in connection with Mahila Thana P.S. case No.03/2022, 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. In case, any such application is made by either of the parties, the court below shall refer the matter to the District Mediation Centre.

(Sudhir Singh, J)

Narendra/-

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