

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31842 of 2022

Arising Out of PS. Case No.-65 Year-2022 Thana- SIKARPUR District- West Champaran

ELSHAD @ IRSHAD MIAN S/o Sukat Mian R/o Village - Ramauli, Post -
Saidpur, P.S. - Shikarpur, District - West Champaran.

... .. Petitioner

Versus

1. The State of Bihar
2. PHULJAHAN KHATOON W/o Elshad @ Irshad Mian, D/o Sheikh Mansur
R/o Village - Ramauli, Post - Saidpur, P.S. - Shikarpur, District - West
Champaran. At present R/o Village - Ramauli, Post- Saidpur, P.S. -
Shikarpur, District - West Champaran.

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party : Mr.Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-11-2022 Heard learned counsel for the petitioner and learned APP
for the State.

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 341, 323, 307, 498A, 379, 504/34 of
the Indian Penal Code.

Allegation against the petitioner is of committing torture
upon the victim due to non-fulfillment 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 due to petty family dispute. Except the offence under Section-307 of the Indian Penal Code, other offences are triable by the Magistrate. There is no injury report on record to suggest the commission of offence under Section-307 of the Indian Penal Code. 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 Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the 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 bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 65 of 2022, 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.

(Sudhir Singh, J)

A.K.V.//-

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