

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65746 of 2021

Arising Out of PS. Case No.-3 Year-2021 Thana- AMBA District- Aurangabad

MD. JUNAID ALAM @ JUNAID ALAM Son of Shafiq Faizi @ Md. Shafique Resident of Village - Gewal Bigha, P.S.- Rampur, District - Gaya (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nikhat Jahan Wife of Junaid Alam Daughter of Nesar Alam, At present residing at Village - Bajrahi, P.S.- Amba, District - Aurangabad (Bihar)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Leelawati Kumari, Advocate
For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-05-2022 Heard the parties.

The petitioner apprehends his arrest in a case registered under sections 498A, 34 of the IPC.

Allegation against the petitioner is of committing torture upon the victim due to non-fulfillment of demand of dowry and also of ousting her out of the matrimonial house.

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 dowry demand and has been falsely implicated in the present case due to grudge. 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 ready and willing to keep his wife with full honour and dignity. It is submitted that the informant-wife of the petitioner is not ready to live with the petitioner. This fact has also come in the impugned order.

Considering the aforesaid facts and circumstances, since O.P. No.2 is not ready to live with her husband, 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 Amba P.S. Case No.03/2021, 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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