

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71862 of 2021

Arising Out of PS. Case No.-190 Year-2020 Thana- SAKRI District- Madhubani

KAISH AHMAD @ MD KAISH AHMAD @ KAISH MOHAMMAD @
ABDUL KAISH Son of Late Abdul Taiyab Resident of Village- Sakri Sibottar
Tola, P.S.- Sakri, Dist- Madhubani.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rukshana Khatoon W/o Md. Kaish Ahmad @ Kaish Mohammad Resident
of Village- Ramnagar, P.S. and P.O.- Manigachi, Dist- Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Shailendra Kumar Jha, Advocate
For the State	:	Mr.Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-01-2022 Due to the third wave of COVID-19 Pandemic, the
matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

Learned Counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in connection
with Sakri P.S. case No.190/2020 corresponding to C.R.I.
No.2269/2020 registered under Sections 341, 323, 498(A),



494/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

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

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. 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 complaint case/F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.



Considering the facts and circumstances, 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 his personal bond to the satisfaction of learned C.J.M., Madhubani in connection with Sakri P.S. case No.190/2020 corresponding to C.R.I. No.2269/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

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.

Narendra/-

(Sudhir Singh, J)

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