

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10419 of 2023

Arising Out of PS. Case No.-590 Year-2022 Thana- KATIHAR COMPLAINT CASE
District- Katihar

MD. ARMAN ALI S/O MAJHARUL HAQUE Resident of Village- Pelapur,
P.S.- Balrampur, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. SABERUN KHATOON D/O SABIR, W/O MD. ARMAN ALI Resident of
Village- Nauranga, P.O.- Barsoi, P.S.- Azamnagar, District- Katihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Musowir, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 09-10-2023 Despite of notice upon the opposite party No.2, no
one appears on behalf of the opposite party No.2.

2. Heard Mr.Md. Musowir, learned counsel for the
petitioner and Mr.Yogendra Kumar Singh, learned Additional
Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in
connection with Complaint Case No.590 of 2022 registered for
the offences punishable under Sections 341, 323, 406, 120(B),
498(A)/34 of IPC.

4. Allegation against the petitioner and other co-
accused persons is of committing torture upon the victim due to
non-fulfillment of demand of dowry.

5. Learned counsel for the petitioner submits that



petitioner has clean antecedent. He has falsely been implicated in the present case. The allegation as alleged in the complaint petition is false and fabricated and the petitioner has not committed any offence as alleged in the complaint petition. Further submits that it appears from the impugned order that the learned court below has tried to settled the dispute between the parties and it appears from the ordersheet itself that both the parties are not ready to settle the dispute and there is no chance of compromise between the parties. Despite of that, vide order dated 19.05.2023, the matter was again referred to the Patna High Court Mediation and Reconciliation Centre for exploring the possibility of amicable settlement of the disputes between the parties but the report of the learned Mediator dated 24.08.2023 reveals that the dispute between the parties could not be resolved, hence, the mediation has failed.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Katihar in connection with Complaint



Case No.590 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bonds shall be cancelled by the Court below.

(II) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-

U		T	
---	--	---	--

