

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23438 of 2023

Arising Out of PS. Case No.-530 Year-2022 Thana- JOGAPATTI District- West Champaran

KHUSH MOHAMMAD GADDI @ KHUSH MAHMAD GADDI, aged about 28 years, Male, Son of As Mohammad Gaddi, R/o Karmahwa Tola, Bhedihari, P.S- Valmiki Nagar, Dist- West Champaran.

... .. Petitioner

Versus

1. The State of Bihar.
2. Chanda Khatoon, aged about 22 years, Female, Wife of Khush Mohammad Gaddi, D/o Mohan Gaddi, R/o Karmahwa Tola, Bhedihari, P.S- Valmiki Nagar, Dist- West Champaran, Present Address R/V- Kawlapur, P.S- Nawalpur (Yogapatti), Dist- West Champaran.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Bimlesh Kumar Pandey, Advocate
For the O.P. No. 2	:	M/S. Sachidanand Rai and Avinash Raj, Advocates
For the State	:	Mrs. Sucheta Yadav, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-06-2023 Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned A.P.P. for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 498(A), 307, 341, 504, 323 of the I.P.C. and Section 3/4 of the D.P. Act.

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

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent.



There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner is the husband of the victim. There is no medical examination report in support of allegation for offence under Section 307 of the I.P.C. Rest of the offences are triable by the Magistrate. The petitioner has further 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 learned counsel for the State and learned counsel for the opposite party no. 2, it has been submitted that the petitioner is named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, let 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 court below/concerned court, in connection with Yogapatti (Nawalpur) P.S. Case No. 530 of 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.

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(Sudhir Singh, J)

