

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.24330 of 2023**

Arising Out of PS. Case No.-136 Year-2021 Thana- GAYA COMPLAINT CASE District-  
Gaya

MD. ISRAFIL HUSSAI @ MD. ISRAFIL HUSSAIN, son of Md. Islam, R/O  
Village- Tarwan Tola- Bara, P.S.- Wazirganj, Dist- Gaya.

... .. Petitioner

Versus

1. The State of Bihar.
2. Mosrat Praveen, wife of Israfil Hussain @ Israfil Hussain, R/O village-  
Tarwan Tola Bara, P.S.- Wazirganj, Dist- Gaya.

... .. Opposite Parties

**Appearance :**

|                    |   |                              |
|--------------------|---|------------------------------|
| For the Petitioner | : | Mr. Anil Kumar Roy, Advocate |
| For the O.P. No. 2 | : | Mr. Madhukar Anand, Advocate |
| For the State      | : | Mrs. Anita Kumari, APP       |

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      24-06-2023                      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), 379, 323, 506,  
149, 120(B)/34 of the I.P.C. and  $\frac{3}{4}$  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 due to petty family dispute. The petitioner is the husband of the victim. The case is 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 counsels for the State and 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 Complaint Case No. 136 of 2021, 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.

(Sudhir Singh, J)

U.K./-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

