

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25269 of 2023

Arising Out of PS. Case No.-501 Year-2021 Thana- KORHA District- Katihar

Md. Mustaque @ Mustaque @ Mustaque Alam Son Of Harun Rashid
Resident Of Village - Pankhowa (Panarkouwa) Chak, P.S. - Jalalgarh, Distt. -
Purnea

... .. Petitioner

Versus

1. The State of Bihar
2. Bibi Tajkera @ Josna Khatoon Wife Of Md. Mustaque @ Mustaque @
Mustaque Alam And D/O Manzer Alam @ Manzoor Alam Resident Of
Village - Bandh Tola, Badgaon, P.S. - Korha, Distt. - Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Qumrul Hoda, Advocate
For the Opposite Party/s : Mr.Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered under Sections 498A/34 of the Indian Penal Code
and Section 4 of Muslim Women (Protection of Right on
marriage) Act 2019.

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

It has been submitted on behalf of the petitioner that
the petitioner has got no criminal antecedent. There is no
allegation of tampering of witnesses alleged against the



petitioner. The petitioner has falsely been implicated in the present case due to petty family dispute. 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.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Korha P.S. case No. 501/2021, 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)

Pankaj/Nitin

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