

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27821 of 2023

Arising Out of PS. Case No.-22 Year-2022 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Md. Saday @ Md. Saddam Son of Sabir @ Sabir Mahroom Resident of
village - Saharghat, P.S - Saharghat, Distt. - Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rahima Khatoon Wife of Md. Saddam, D/O Md. Anwarul Resident of
village - Malmal, P.S - Kaluahi, Distt. - Madhubani

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr.Shailendra Kumar Jha, Advocate
For the State	:	Mr.Damodar Prasad Tiwary, APP
For opposite party No.2	:	Mr.Bhavesh Kumar Sah, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-06-2023 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the opposite party No.2.

The petitioner is apprehending his arrest in a case registered under Sections 341, 323, 379, 504, 506, 498(A), 34 of the Indian Penal Code, but cognizance has been taken under Section 498(A) of the Indian Penal Code.

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 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 and learned counsel for the opposite party No.2, 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 learned Court below/concerned Court in connection with C.R. case No.22/2022, 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.

(Sudhir Singh, J)

Narendra/-

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