

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27982 of 2023

Arising Out of PS. Case No.-879 Year-2021 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Md Chand @ Md Chand Alam Son Of Sheikh Nezam @SHEIKH
Nizamuddin@ Md. Nizamuddin Resident Of Village- Jamuniya, Ps- Fenhara,
Distt- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jahana Khatoon Daughter Of Md. Madish Resident Of Village-
Harinarayanpur Badhiya, Ps- Madhuban, Distt- East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr.Kundan Rathore @ Kundan Kumar, Advocate
For the State : Mr.Md. Matloob Rab, APP

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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 323, 504, 354, 307, 498A/34 of the Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act, but cognizance has been taken under Sections 323, 498A, 504 of the Indian Penal Code.

Allegation against the petitioner is of committing torture and assault 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. 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 learned Court below/concerned Court in connection with Complaint case No.879/21, 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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