

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30247 of 2023

Arising Out of PS. Case No.-255 Year-2022 Thana- CIVIL LINE District- Gaya

1. Md Nizam Uddin @ Md Nezamuddin Son Of Md. Ismail Resident Of Near Lalu Nagar, M.A. Nagar, Phulwari Sharif, P.S. Phulwari Sharif, District-Patna
2. Nahida Parween @ Naahida Praveen W/O Md. Nizamuddin Resident Of Near Lalu Nagar, M.A. Nagar, Phulwari Sharif, P.S. Phulwari Sharif, District- Patna
3. Md. Ashar Nizami @ Md. Ashhar Nezami Son Of Md. Nizamuddin Resident Of Near Lalu Nagar, M.A. Nagar, Phulwari Sharif, P.S. Phulwari Sharif, District-Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Arshi Mahmood D/O Md. Mahmood Resident Of Medicine House, S.P. Road, Near Fire Brigade, P.S. Civil Lines, District-Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shadab Akhter, Advocate
For the Opposite Party/s	:	Mr.Upendra Kumar, APP
For the Informant	:	Mr. Kumar Nikhil, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioners, learned
APP for the State and learned counsel for the informant.

The petitioners are apprehending their arrest in a case registered under Section 498A and 34 of the Indian Penal Code and ³/₄ of Dowry Prohibition Act.

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

It has been submitted on behalf of the petitioners that



the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioner No. 1 is father-in-law, petitioner No. 2 is mother-in-law and petitioner No. 3 is brother-in-law, of the victim. They have falsely been implicated in the present case due to petty family dispute. The case is triable by the Magistrate. The petitioners have 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 the informant, it is submitted that the petitioners are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, 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) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Civil Lines P.S. case No. 255 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



The petitioners are directed to co-operate during the trial. If the petitioners do not co-operate during the trial, the Court below will be at liberty to cancel the bail bonds of the petitioners.

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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