

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30792 of 2023

Arising Out of PS. Case No.-596 Year-2022 Thana- KANTI District- Muzaffarpur

1. Md. Rizwan Son Of Mohammad Islam R/O-Gopinathpur, P.S.-KATHAIYA, Distt.-MUZAFFARPUR
2. Md. Abid @ Md. Abid Hussain Son Of Mohammad Islam R/O-Gopinathpur, P.S.-KATHAIYA, Distt.-MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K., Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

The petitioners are apprehending their arrest in a case registered under Sections 420, 120(B), 498A, 354(B), 376, 493 and 34 of the Indian Penal Code.

Allegation against the accused persons is of committing torture upon the victim due to non-fulfilment of demand of dowry. It is also alleged that one of the accused persons established physical relation with the victim.

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 petitioners have falsely been implicated in the present case. The petitioner happens to be maternal uncle of the victim. The petitioner is separate in mess and property from the husband of the victim. So far allegation under Section 376 I.P.C. is concerned, the same is alleged against the co-accused Tabrej. Rest of the offences are 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, 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 Kanti P.S. case No. 596/2022, 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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