

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32369 of 2023

Arising Out of PS. Case No.-1098 Year-2021 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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MD. SOHEL @ MUBARAK @ MOHAMMAD MUBARAK HUSSAIN Son
of Md. Sabir Hussain Resident of village - Dhoomngar, P.S. - Azamnagar,
Distt. - Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rehana Begum Wife of Md. Sohel, D/o Abdul Quddus At present in parental house, resident of village- Dhoomngar, P.S. - Azamnagar, Distt. - Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Musowir, Adv.
For the Opposite Party/s : Mr.Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-09-2023 Heard the parties.

2. Though notice was issued and validly served to the O.P.
No.2 but nobody appears on her behalf.

3. Petitioner apprehends his arrest in a case registered u/s
323/504/498(A) of the IPC and $\frac{3}{4}$ of Dowry Prohibition Act.

4. Allegation against the petitioner and other accused
persons is of committing torture upon the victim and of ousting
her out of the matrimonial house due to non-fulfillment of
demand of dowry.

5. It is submitted by learned counsel for the petitioner that
petitioner is an innocent person and has committed no offence.
Petitioner has never made any dowry demand and has been



falsely implicated in the present case due to grudge. 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.*

6. Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with C.A. Case No.1098/2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. 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.

(Anjani Kumar Sharan, J)

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