

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71430 of 2022

Arising Out of PS. Case No.-10 Year-2020 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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MD. KALAM KHAN @ KALAM KHAN S/o Shaheed @ Sahid Khan R/o
Village- Pithahi, Ward no. 11, P.O. Mathai, P.S.- Madhepura, Distt-
Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Afsana Khatoon W/o Md. Kalam Khan, D/o Ajmal Khan R/o Village- Pali,
Ghanshyampur, P.S.- Ghanshyampur, Distt- Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar Singh, Adv.
For the State	:	Mrs.Rina Sinha, APP
For the Complainant	:	None

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 14-03-2023 Heard learned counsel for the petitioner and learned APP
for the State. Though vakalatnama is filed on behalf of the
complainant but when the case is called out, nobody appears.

The petitioner apprehends his arrest in a case registered
under sections 498(A) of the IPC.

Allegation against the petitioner is of committing torture
upon the victim due to non-fulfillment of demand of dowry and
thereafter, he ousted the victim out of the matrimonial house.

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*. It is submitted that the petitioner is ready and willing to keep his wife with full honour and dignity.

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 Complaint Case No.10/2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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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