

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.586 of 2023

Arising Out of PS. Case No.-885 Year-2012 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Md. Ashraf Khan @ Shole Khan Son of Mahbool Hak Khan @ Mahbul Khan
Resident of Village Kamrawan, P.S. Dalsingsarai, District Samastipur (Bihar)
848114.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Fatama Khatoon Daughter of Abdul Gaffar Khan At present residing at
Village - Rahimabad (Bari Eadagaon), P.S.- Tajpur, District – Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Aaruni Singh, Advocate
For the State	:	Md. Anbzarul Haque Sahara, APP
For O.P. No.2	:	Md. Hussamuddin Azad, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-06-2023 Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 323, 324, 498(A), 406
and 379 of the Indian Penal Code.

Petitioner, who is husband of opposite party no.2, is said
to have ousted the opposite party no.2 from her matrimonial home
in association of his family members over the dowry demand.

It is submitted by learned counsel for the petitioner that
the petitioner is an innocent person and has committed no offence.
Petitioner has neither made any dowry demand nor drove her out
of her matrimonial home nor tormented her over the demand of
dowry. He is still ready to keep her with full honour and dignity.



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***.

In that view of the matter, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond 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.885 of 2012, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

If so advised, either of the parties will be at liberty to make an application before the learned court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or for one time settlement.

Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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