

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5628 of 2023

Arising Out of PS. Case No.-135 Year-2022 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Md. Ansar @ Md. Ansar Khan Son of Md. Tunna Khan R/O Village - Driver
Tola (Near Amiruddin School), P.S.- Katihar, District - Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sobi Khatoon Daughter of Kalimuddin W/O Md. Ansar, R/O Village - Naya
Tola (Sonauli), P.O.- Sonauli, P.S.- Kadwan, District - Katihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Suresh Prasad Sah @ Baranwal

For the Opposite Party/s : Mr.Dr. Ajeet Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 28-07-2023

IA no. 01 of 2023

IA No. 01 of 2023 is jointness petition filed on
behalf of. Notice has been received by the mother of opposite
party no. 2. OP no. 2 is residing with her mother. Therefore, the
notice may be treated as validly served.

The notice be deemed to be validly served.
Accordingly, IA no. 01 of 2023 is allowed.

Despite valid service of notice, none appears on
behalf of OP no. 2.

2. Heard counsels for the parties.

3. The petitioner is apprehending his arrest in
connection with Complaint Case No. 135 of 2022 for the



offence registered under Section 498(A) of the I.P.C. and 4 of the Dowry Prohibition Act.

4. The prosecution story, in brief, is that the accused persons including the petitioner tortured the victim due to non-fulfillment of demand of dowry.

5. It is submitted on behalf of petitioner that the petitioner has falsely been implicated in the present case due to petty family dispute. There is general and omnibus allegation of torture and harassment. Petitioner is husband of the complainant and he is ready to keep his wife (complainant) with full honour and dignity. There is no allegation of tampering with the witnesses alleged against the petitioner. The case is triable by the Magistrate. The petitioner has further 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**. Petitioner has got clean antecedent.

6. Counsel for State however vehemently opposed the prayer for bail.

7. Considering the facts of the case, nature of accusation and clean antecedent of the petitioner, let the petitioner, above-named, in the event of his arrest/ surrender within a period of six weeks from today shall be enlarged on



bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Katihar in connection with Complaint Case No. 135 of 2022, subject to conditions laid down u/s 438(2) of the Cr. P. C.

(Prabhat Kumar Singh, J)

vinita/-

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