

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18574 of 2023

Arising Out of PS. Case No.-541 Year-2019 Thana- COMPLAINT CASE District- Supaul

Md Alam Sah @ Md Alam Shah Son Of Md Ulfat Shah @ Ulfat Sah,
Resident Of Village- Rampur, Ward No. 11, Ps Pipra, Distt- Supaul

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sabuna Khatoon Wife Of Md Alam Sah Resident Of Village- Jolhaniya Tola
Dasiya Bahi, Ward No. 2 Ps Pipra, Distt- Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nafisuzzoha, Advocate
For the Complainant	:	Mr. Kuldeep Kumar, Advocate
For the Opposite Party/s	:	Mr. Abhay Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 30-10-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned counsel for the complainant as well as learned Additional Public Prosecutor for the State.

3. The Petitioner is apprehending his arrest in a case in connection with Complaint Case No. 541c of 2019 dated 22.06.2019 registered for the offences punishable u/ss 498A and 323 of the Indian Penal Code.

4. As per the prosecution case, the petitioner and the co-accused persons are alleged to have tortured and harassed the complainant mentally and physically due to non-fulfillment of dowry. They also tried to press the neck of the complainant.

5. Learned counsel for the petitioner has submitted that



the petitioner has falsely been implicated in this case. The petitioner is the husband of the complainant. Learned counsel has further submitted that the petitioner neither demanded any dowry nor tortured the complainant. 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."** Learned counsel has further submitted that Section 498A of the IPC is triable by the Magistrate. Learned counsel has further relied on the judgments in the case of **Satendra Kumar Antil Vs. Central Bureau of Investigation and Another (2022) 10 SCR 351** and **Md. Asfak Alam Vs. The State of Jharkhand & Anr passed in Criminal Appeal No(s). 2207 of 2023 arising out of Special Leave Petition (CRL.) No. 3433 of 2023**. The petitioner has no criminal antecedent as stated at para 3 of the bail petition.

6. Learned counsel for the complainant as well as learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Supaul in connection with Complaint Case No. 541c of 2019, subject to conditions as laid



down under section 438(2) of the Code of Criminal Procedure.

8. 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.

9.. The application stands allowed.

(Chandra Prakash Singh, J)

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