

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32574 of 2023

Arising Out of PS. Case No.-1099 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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Rajab Ali Babar Son Of Mohammad Sultan Ahmed Resident Of Pulhatu Ward
No.- 12/01 Chaibasa, P.O.- Chaibasa, P.S.- Sadar Chaibasa, In The District Of
West Singhbhum (Jharkhand) Presently Residing At M.R. Apartment, Phase -
1, Flat No. A - 1, Mondal Gandhi, P.O.- Kolkata, P.S.- Baguaia, Kolkata

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shaista Naseem Wife of Rajab Ali Babar Resident of Tarani Prasad Lane,
P.S.- Khajekala, District - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.N.K. Agarwal, Sr. Advocate
		Mr. Firoz Ahmad, Advocate
For the Opposite Party/s :		Mr.Umanath Mishra, APP

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

ORAL ORDER

4 31-10-2023 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

Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in

connection with Complainant Case No. 1099 of 2021 dated

17.12.2021 registered for the offence punishable under Sections

498A, 420, 323, 406, 504, 506 read with 34 of the Indian Penal

Code and Section 4 of the D.P. Act.



4. As per the prosecution case, the petitioner and the co-accused persons are alleged to have tortured the informant mentally and physically due to non-fulfillment of demand of Rs. 10 lacs as dowry.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. 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 in para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail 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 anticipatory 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, Patna City in connection with Complainant Case No. 1099 of 2021, 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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