

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39667 of 2022

Arising Out of PS. Case No.-478 Year-2020 Thana- COMPLAINT CASE District- Araria

Md Aashik, aged about 30 years, Gender-Male, Son of Md Shoaib, R/O-Vill-
Chakai, Ward No. 10, P.S.- Joki Hat, Dist.- Araria.

... .. Petitioner

Versus

1. The State of Bihar.
2. Jugni Parveen @ Jubo, 20 years, Wife of Md Aashik, R/O- Vill- Chakai,
Ward No. 10, P.S.- Joki Hat, Dist.- Araria, present address- D/O- Satabul,
Vill-Baddenga, Ward No.-4, P.O.- Mahalgown, P.S.- Mahalgown, Dist.-
Araria.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Nadimul Hasan, Advocate
For the O.P. No. 2	:	Mr. Kujndan Kumar Singh, Advocate
For the State	:	Mr. Syed Ehteshamuddin, A.P.P.

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

ORAL ORDER

9 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, learned
counsel for the opposite party no. 2 and learned Additional
Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in
connection with Complaint Case No. 478 of 2020 dated
12.03.2020 for the offences punishable under Sections 498A/34
of the Indian Penal Code.

4. As per the prosecution case, the petitioner and other



co-accused persons are alleged to have tortured the complainant due to non-fulfilment of demand of dowry.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case due to petty family dispute. The petitioner neither demanded any dowry nor tortured the complainant. It is further submitted that the petitioner is the husband of the complainant and he has no concern with the alleged offence. There is general and omnibus allegation against the petitioner. It is further submitted that on earlier occasion, the father of the complainant had also filed an F.I.R. bearing Joki Hat P.S. Case No. 73 of 2020 against the petitioner and his family members and in retaliation to that the father of the petitioner had also lodged a counter case bearing Joki Hat P.S. Case No. 74/2020 against the complainant and her family members for the offences punishable under Sections 341, 323, 354(B), 379, 504 and 506/34 of the I.P.C. Learned counsel for 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*” and 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.*” Learned counsel for the petitioner has further submitted that Section 498(A) of the Indian Penal Code is triable by the Magistrate. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have 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/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Araria in connection with Complaint Case No. 478C/2020, subject to the condition 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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