

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43049 of 2023

Arising Out of PS. Case No.-49 Year-2023 Thana- MAJHAULIA District- West Champaran

Jamalul Haque Son Of Late Amin Miyan Resident Of Village - Bhogadi,
Ward No.- 21, Police Station - Majhauria, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Khushbu Nesha Wife of Jamalul Haque Daughter of Birbal Miyan, Resident of village - Bhogadi, Ward No.- 21, Police Station - Majhauria, District - West Champaran at present fathers resident of village - Sanuariya, Police Station - Majhauria, District - West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Kishun Prasad, Advocate
For the Opposite Party/s : Mrs. Sharda Kumari, A.P.P

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 06-11-2023 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 Majhauria P.S Case No. 49 of 2023 dated 15.01.2023 registered for the offence punishable under Sections 498A, 323, 313, 379, 504 read with 34 of the Indian Penal Code and Sections 3 & 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. 5 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 who is husband of the informant. 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, Bettiah, West Champaran in connection with Majhulia P.S Case No. 49 of 2023, 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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