

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51786 of 2023

Arising Out of PS. Case No.-2069 Year-2022 Thana- PURNIA COMPLAINT CASE District-
Purnia

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Md. Mumtaz @ Md. Mumtaz Alam Son Of Late Tazim Uddin Resident Of
Village- Majhwa Po- Majhawakalan, Ps- Amour, Distt- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. Rozi Praveen @ Bibi Rojikhathun Wife Of Md. Mumtazalam Resident Of
Village- Balwa, Po- Adhang, Ps- Jalagarh, Distt- Purnea, Husband Resident
Of Village- Majhwa Po- Majhawakalan, Ps- Amour, Distt- Purnea

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Kumar, Adv.

For the Opposite Party/s : Mr.Arvind Kumar Pandey App.84

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

ORAL ORDER

3 19-12-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in
connection with Complaint Case No. 2069 of 2022 dated
02.11.2022 registered for the offences punishable u/s 498A read
of the Indian Penal Code.

3. As per the prosecution case, the petitioner and the
co-accused persons are alleged to have tortured the Complainant
mentally and physically due to non-fulfillment of demand of Rs.
5,00,000/- as dowry.

4. Learned counsel for the petitioner has submitted that



the petitioner is innocent and has been falsely implicated in this case. The petitioner neither demanded any dowry nor tortured the Complainant. There is general and omnibus allegation against the petitioner. It is further submitted that the petitioner is the husband of the Complainant and he has no concern with the alleged offence. 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 Indian Penal Code 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.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

6. 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, Purnea in connection with Complaint Application No. 2069 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. 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.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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