

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46287 of 2023

Arising Out of PS. Case No.-302 Year-2022 Thana- COMPLAINT CASE District- Araria

Md. Saddam Husain Son Of Md. Jainul Haque Village Machhaila Ward No 2
P S Jokihat Mahalgaon Distt Araria

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Bibi Sahida Wife Of Md. Saddam Resident Of Village- Machhaila, Ward No. 2, At Present Village- Chaukata, Ward No. 05, Ps- Jokihat (mahalgaon), Dist- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh, Advocate
For the Opposite Party/s : Mr.Anant Kumar I, 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 Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Complaint Case No. 302C/2022 dated 22.02.2022 registered for the offence punishable under Sections 323, 379, 498A of the Indian Penal Code.

4. As per the prosecution case, the petitioner and the co-accused persons are alleged to have assaulted the informant due to non-fulfillment of demand of Rs. 2 lacs and a cow as



dowry.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner is accused in one more criminal case as stated in para 3 of the bail petition. Learned counsel further submitted that despite the notice being served the Opposite Party No. 2 did not appear. 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.**

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, Araria in connection with Complaint Case No. 302C/2022 subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(i). 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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