

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49415 of 2023

Arising Out of PS. Case No.-801 Year-2022 Thana- COMPLAINT CASE District- Araria

MD. HASIM @ HALIM @ HALIM BAITHA S/o Sukhan Baitha Resident of
Village Haripur, Bela, P.S. Forbesganj, District Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. SAMINA KHATOON W/o Md. Md. Hasim @ Halim Baitha Resident of
Village Haripur, Bela Bhatta, P.S. Forbesganj, District Araria. At Present-D/o
Ganni Baitha, Resident of Village-Khaira Boskapur, P.S.-Narpatganj,
District-Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Adv.
For the Opposite Party/s : Mr. Rajesh Kumar, APP

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

ORAL ORDER

5 22-11-2023 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 Complaint Case No. 801C of 2022, dated
06.05.2022, registered for the offence punishable under Sections
323, 379, 498A, 34 of the Indian Penal Code.

4. As per the prosecution case, the petitioner and the
co-accused persons are alleged to have assaulted and ousted the



complainant with her children from her matrimonial house due to non-fulfillment of demand of Rs. 2,00,000/- and a buffalo as dowry.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The marriage of the petitioner and complainant was solemnized in the year 2008 and after 14 years of marriage the present complaint has been filed. 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 Sri Shailendra Kumar, J.M., Ist Class, Araria in connection with Complaint Case No. 801C of 2022, 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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