

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53288 of 2023

Arising Out of PS. Case No.-2416 Year-2022 Thana- COMPLAINT CASE District- Araria

MD. EHSAN Son of Md. Mustakim Resident of Village-Belsandi, Ward No.-
12, P.S.-Narpatganj, Dist-Araria

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. ROSHAN PARVEEN Daughter of Md. Islam, Wife of Md. Ehsan Resident
of Village-Kharsahi, Tola Palar, Ward No.-10, P.S.-Raniganj, District-Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar, Advocate
For the Opposite Party/s : Mr.Shailendra Kumar, APP

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

ORAL ORDER

3 10-11-2023 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. 2416 of 2022 dated
22.11.2022 registered for the offences punishable u/ss 498A 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.
2 lacs and a motorcycle as dowry. It is further alleged that the
accused persons sprinkled kerosene oil on the body of the
complainant but she was saved by the neighbours. Thereafter,
the petitioner and the co-accused persons ousted the



complainant from her matrimonial home along with her child.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner is neither demanded any dowry nor tortured the complainant. There is general and omnibus allegation against the petitioner who is the husband of the complainant. 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.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail 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 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. 2416 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure with further condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond.

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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