

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56289 of 2023

Arising Out of PS. Case No.-1575 Year-2020 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

Abdul Samad Son Of Abdul Azim Resident Of Village- Ward No. 6,
Bhawanipur, Ps- Town, Kharagpur, Distt- Pashchim Midnapur, West Bengal

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Zarina Khatoon Daughter Of Mujib Ansari Resident Of Village-Dewalpur,
Ward No. 5, Ps Kharagpur, Distt- Midnapur, West Bengal Presently Residing
At Village- Sawreji, Ps- Mirganj, Distt- Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Abu Bakar
For the Opposite Party/s	:	Mr.Sanjay Kumar Singh
For the Informant/s	:	Mr. Aditya Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 23-11-2023 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 as well as learned counsel for the informant.

3. The petitioner is apprehending his arrest in connection with Complaint Case No. 1575 of 2020 dated 03.12.2020 registered for the offence punishable under Sections 498A of the Indian Penal Code.

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 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. 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. Learned counsel for the petitioner has further submitted that Rs. 1.5 lacs is paid in the form of cash and Rs. 5 lacs for one time settlement through demand draft bearing no. 592993 of Canara Bank dated 28.09.2023 in the name of O.P. No. 2.



6. Learned A.P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer for anticipatory bail of the petitioner. It is further submitted that both the parties have agreed for one time settlement and learned counsel for the informant has submitted that Rs. 6.5 lacs has been received by the informant which was given by the petitioner Abdul Samad who is husband of the informant.

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, Gopalganj in connection with Complaint Case No. 1575 of 2020, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

9. The application stands allowed.

(Chandra Prakash Singh, J)

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