

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56064 of 2023

Arising Out of PS. Case No.-14 Year-2023 Thana- MAHILA P.S. District- Siwan

Ajmal Ansari Son Of Akbar Ansari Resident Of - B- 10, Flex Apartment, Flat No. 504, Treasure Fantasy Township Cat Rau Road, Indore, Dist- Indore (MP) 453331

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Kayenat Ansari Wife Of Ajmal Ansari At Present Residing At Village- Sarsa Ke Toa, Post- Bhanta Pokhar, Ps- Dhanauti Op, Dist- Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Bijay Prakash Singh, Advocate
For the Opposite Party/s :	Mr. Tarkeshwar Nath Thakur, A.P.P.
For the Informant :	None.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

7 18-12-2023 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 Mahila Thana P.S. Case No. 14 of 2023 dated 27.03.2023 registered for the offence punishable under Sections 341, 323, 498A of the Indian Penal Code and Sections 3 & 4 of the D.P. Act.



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 Rs. 10 lacs and four wheeler as 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. It is further submitted that the petitioner is the husband of the informant who is a noble and respectable person of society and holds the post of Scientific Officer in the Department of Atomic Energy in Raja Ramanna Center for Advance Technology, Indore. Learned counsel has further submitted that the marriage of the petitioner with the informant was solemnized on 13.10.2019 at Indore and right from the date of marriage till 2022 i.e. for the last three and a half year, there has been no such allegation against the petitioner. But after a long lapse of time the allegation of demand of Rs. 10 lacs and one four wheeler by way of dowry is nothing but just to make pressure on the petitioner and his family members in order to fulfill her unacceptable demand. It is further submitted that the



petitioner and the co-accused persons have neither demanded any dowry nor tortured the informant. 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 the learned court concerned, Siwan in connection with Mahila Thana P.S. Case No. 14 of 2023, 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)

Nilmani/-

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