

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59787 of 2023

Arising Out of PS. Case No.-59 Year-2019 Thana- MAHILA P.S. District- Madhubani

Md. Samiuddin S/O Md. Issa R/O Village- Gauri Meran Lalapur, Ps. Raj
Nagar, Dist. Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. Nuraisha Khatoon D/O Md. Yusuf, W/O Md. Samiuddin R/O Village- Gauri
Maren Lalpur, Ps. Rajnagar, Dist. Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Advocate
For the Opposite Party/s : Mr.Parmanand Prasad, APP

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

ORAL ORDER

2 27-09-2023 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 Madhubani Mahila P.S. Case No. 59 of 2019
dated 12.07.2019 registered for the offences punishable under
Sections 323, 341, 498A, 506, 379 read with Section 34 of the
Indian Penal Code and under Sections 3/4 of the Dowry
Prohibition and Excise 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. 1,00,000/- as dowry.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. The petitioner neither demanded any dowry nor tortured the informant. It is further submitted that the petitioner is the husband of the informant and he has no concern with the alleged offence. 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 Indian Penal Code is triable by the Magistrate. The petitioner has clean antecedent as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State has 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/-(Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Madhubani in connection with Madhubani Mahila P.S. Case No. 59 of 2019, subject to the condition 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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