

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59699 of 2023

Arising Out of PS. Case No.-1077 Year-2022 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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Niyamuddin Ansari, aged about 36 years (Male), Son of Nekmuhammad Ansari, Resident Of Village-Saidraja, Ward No.5, Saiyad Nagar, P.S. - Saiyadraja, District - Chandauli (U.P.).

... .. Petitioner

Versus

1. The State of Bihar.
2. Salma Khatoon, aged about 33 years (Female), Wife of Niyamuddin Ansari, at present resident of Village - Shio, P.S. - Chand, District - Kaimur at Bhabhua.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Pawan Kumar Singh, Advocate
For the State	:	Mr. Sanjay Kumar Sharma, A.P.P.

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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 Complaint Case No. 1077 of 2022 dated 18.08.2022 in which cognizance has been taken for the offences punishable under Sections 498A, 323, 307, 354, 376, 511/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.



4. As per the prosecution case, the petitioner and other co-accused persons are alleged to have tortured the complainant due to non-fulfilment of demand of Motorcycle as dowry. It is further alleged that the family members of the petitioner told the complainant that they would get the petitioner's another marriage contracted.

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 complainant. It is further submitted that the petitioner is the husband of the complainant 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 for the petitioner has further submitted that Section 498(A) of the Indian Penal Code is triable by the Magistrate. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

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, Bhabua (Kaimur) in connection with Complaint Case No. 1077 of 2022, 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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