

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65609 of 2023

Arising Out of PS. Case No.-697 Year-2022 Thana- COMPLAINT CASE District- Banka

UMAR ANSARI @ MD. UMAR ANSARI SON OF LATE FAIYAZ
ANSARI RESIDENT OF VILLAGE - DHOPSANDA, P.S. - DHORAIYA,
DISTRICT - BANKA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. BIBI MUSHRAT KHATOON WIFE OF UMAR ANSARI @ MD. UMAR ANSARI RESIDENT OF VILLAGE - GHOPSANDA, P.S. - DHORAIYA, DISTRICT - BANKA. A/P RESIDENT OF VILLAGE - KAKWARA, P.S. AND DISTRICT - BANKA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Adv.
For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 08-12-2023 Heard the learned Advocate for the petitioner and the
learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Complaint Case No. 697 of 2022, dated 04.07.2023, registered under Sections 498(A), 323, 504 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. Having heard the learned Advocate for the petitioner and on perusal of the impugned order, it appears that learned Sessions Judge, Banka directed the petitioner to surrender before the learned court below, where the complaint case is pending.

4. The petitioner apprehends that, if he surrenders, he



may be taken into custody.

5. In a case registered under Section 498(A) of the I.P.C., the accused cannot be taken into custody when he surrenders before the Court below, in view of the decision of the Hon'ble Supreme Court reported in **2014 (8) SCC 273 (Arnesh Kumar Vrs. State of Bihar & Another)**.

6. Therefore, the instant application is disposed of with direction to the petitioner to surrender before the trial court within a period of three weeks. After his surrender, the trial court shall grant him bail with proper security as he deems fit and proper.

7. Accordingly, the bail application is disposed of.

(Bibek Chaudhuri, J)

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