

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74676 of 2023

Arising Out of PS. Case No.-112 Year-2023 Thana- UDAKISHUNGANJ District-
Madhepura

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Md. Murad Son Of Md. Noo Mohammad Resident Of Village - Fanhan, Ward
No.04, P.S. - Udakishunganj, District – Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Raunak Khatoon Wife Of Md. Murad, Daughter Of Late Md. Exramul
Resident Of Village - Fanhan, Ward No.04, P.S. - Udakishunganj, District -
Madhepura At Present Resident Of Village - Paina, P.S. - Chousa, District -
Madhepura

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh, Advocate
For the Opposite Party/s : Mr. Awadhesh Kumar Singh, A.P.P.

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

ORAL ORDER

2 06-12-2023 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 Udakishunganj P.S. Case No. 112 of 2023 dated

12.04.2023 registered for the offence punishable under Sections

341, 323 and 498A read with 34 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 and assaulted the informant mentally and physically due to non-fulfillment of demand of Rs. 2 lacs and a Bullet motorcycle 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 husband of the informant. Learned counsel further submitted that the accused persons neither demanded any dowry nor tortured and assaulted the informant. Learned counsel for 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, Madhepura in connection with Udakishunganj P.S. Case No. 112 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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