

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.76148 of 2023**

Arising Out of PS. Case No.-11 Year-2023 Thana- MAHILA PS District- Gopalganj

Sikandar Ali Son Of Kyamuddin Resident Of Village - Indrawa Rafi Banwa  
Tola, P.S. - Gopalganj, District - Gopalganj

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Mehjabeen Praveen D/O. Kalimullah Resident Of Village - Brindavan Tola,  
Takiya, P.S. - Uchkagaon, District - Gopalganj

... .. Opposite Party/s

**Appearance :**

|                          |   |                                  |
|--------------------------|---|----------------------------------|
| For the Petitioner/s     | : | Mr. Avnish Kumar Singh, Advocate |
| For the Opposite Party/s | : | Mr. Akbar Ali, APP               |
| For the Informant        | : | Mr. Shiv Sagar Sharma, Advocate  |

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

ORAL ORDER

2      30-11-2023                      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 counsel for the informant as well as learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in a case in connection with Gopalganj Mahila P.S. Case No. 11 of 2023 dated 11.04.2023 registered for the offence/s punishable u/ss 341, 323, 498A, 406, 504, 506 read with section 34 of the Indian Penal Code and section 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 a Creta Car as dowry.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner is the husband of the informant. The petitioner neither demanded any dowry nor tortured the informant. There is general and omnibus allegation against the petitioner who is the husband of 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 at para 3 of the bail petition.

6. Learned counsel for the informant as well as learned A.P.P. for the State has vehemently opposed the



anticipatory bail petition 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 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, Gopalganj in connection with Gopalganj Mahila P.S. Case No. 11 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure with further condition/s:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to cancelled.

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)**

guddukr/-

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