

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12671 of 2021

Arising Out of PS. Case No.-1896 Year-2018 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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Md. Anwar, Son of Md. Adadu @ Sher Adud, Resident of Village- Shambhu Nagar, P.S.- Runnisaidpur, District- Sitamarhi.

... .. Petitioner

Versus

1. The State of Bihar.
2. Roshni Khatoon, Daughter of Sheikh Ahmed and Wife of Md. Anwar, Resident of Village- Shambhu Nagar, P.S.- Runnisaidpur, District- Sitamarhi, presently residing at Village- Rupauli, P.S.- Runnisaidpur, District- Sitamarhi.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Pushpendra Kumar Singh and Smt. Divya Bharti, Advocates
For the O.P. No. 2	:	M/S. Shankar Kumar and Ravi Bhushan, Advocates.
For the State	:	Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 31-01-2024 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, learned counsel for the opposite party no. 2 and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Trial No. 3606 of 2019, arising out of Complaint Case No. CI-1896 of 2018 dated 24.12.2018 registered for the offences punishable under Sections 498A/34



of the I.P.C.

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 Rs. 2,00,000/- 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 complainant. It is further submitted that the petitioner is the husband of the complainant and he has no concern with the alleged offence. It is submitted that the complainant is not satisfied with her marriage with the petitioner, hence, she is not willing to live at her in-laws house. The petitioner has no illicit relationship with any other female. Earlier the petitioner had filed Divorce Case No. 12 of 2020 in the court of learned Principal Judge, Family Court, Sitamarhi, against the complainant on 18.01.2020. Learned counsel for the petitioner has relied upon the judgments 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” and 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. Learned counsel for the petitioner has further submitted that Section 498A 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 and learned counsel for the opposite party no. 2 have 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, Sadar Sitamarhi in connection with Trial No. 3606 of 2019, arising out of Complaint Case No. CI-1896 of 2018, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:-

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 bonds of the petitioner are
liable to be 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)

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