

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9075 of 2024

Arising Out of PS. Case No.-302 Year-2023 Thana- RAMNAGAR District- West Champaran

Sarfraz Alam, Male, aged about 27 years, S/O- Alamdin Miya, R/O- Village-
Mill Bahuari, P.S.- Ram Nagar, Dist.- West Champaran.

... .. Petitioner

Versus

1. The State of Bihar.
2. Rukhsar Parveen, Female, aged about 23 years, W/O- Sarfraz Alam, R/O-
Village- Samhatta, P.S.- Sathi, Dist.- West Champaran.

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. Vijay Kr Singh No. 1, Advocate
For the State : Mr. Tapeswar Sharma, A.P.P.

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

ORAL ORDER

3 04-04-2024 This matter has been listed under the heading “For
Orders (on office notes).”

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 Ram Nagar P.S. Case No. 302 of 2023 dated
03.07.2023 registered for the offences punishable under
Sections 341, 323, 498A, 504, 506, 379/34 of the I.P.C. and
Sections 3/4 of the D.P. Act.

4. As per the prosecution case, the petitioner and other
co-accused persons are alleged to have tortured the informant



due to non-fulfilment of demand of furniture 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 informant. It is further submitted that the petitioner is the husband of the informant and he has no concern with the alleged offence. It is further submitted that the informant herself went to her maik for her treatment in the month of December, 2022 and after six months, she came back to her matrimonial house with her family. On 26.06.2023, the informant had also filed a Complaint Case No. 157 of 2023 against the petitioner and his family members in which cognizance has been taken under Sections 323 and 498A of the I.P.C. for demand of Rs. 3,00,000/- as dowry. It is further submitted that the informant herself is not ready to live with the petitioner. 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 one criminal clean 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 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/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Bagaha, West Champaran in connection with Ram Nagar P.S. Case No. 302 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(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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