

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9495 of 2024**

Arising Out of PS. Case No.-476 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

Gauhar Ansari @ Bhola @ Bhole Ansari, aged about 36 years, Gender-Male,  
S/O- Shaukat Ansari, R/O- Village- Khiri, P.O.- Khiri, P.S.- Rajpur, Dist.-  
Buxar.

... .. Petitioner

Versus

1. The State of Bihar.
2. Shahana Praveen, aged about 32 years, Gender-Female, W/O- Gauhar Ansari, R/O- Village- Khiri, P.O- Khiri, P.S.- Rajpur, Dist.- Buxar. At present Daughter of Rustam Ansari, Resident of Village- Katra Kala, P.O.- Katra Kala, P.S.- Mohania, Dist.- Kaimur at Bhabua, Pin Code- 821109

... .. Opposite Parties

**Appearance :**

|                    |   |                           |
|--------------------|---|---------------------------|
| For the Petitioner | : | Mr. Parwej Khan, Advocate |
| For the State      | : | Mr. Bharat Lal, A.P.P.    |

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

ORAL ORDER

3      16-04-2024                      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 Mohania P.S. Case No. 476 of 2023 dated 08.07.2023 registered for the offences punishable under Sections 341, 323, 498A and 504/34 of the I.P.C.

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



mentally and physically due to non-fulfilment of demand of Rs. 15,00,000/- as dowry. It is further alleged that the petitioner has illicit relationship with his sister-in-law (Bhabhi).

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 submitted that there is general and omnibus allegation against the petitioner. The informant herself went from her matrimonial house and she does not want 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 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, Mohania, Kaimur at Bhabua in connection with Mohania P.S. Case No. 476 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)**

U.K./-

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