

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14493 of 2024

Arising Out of PS. Case No.-437 Year-2022 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

Amjad Ali son of Late Azajul Mian Village- Kunauli Patti Chamainiya Parasa
Ps- Manuapul Dist- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rivi Nesha wife of Amjad Ali, D/o- Late Manzoor Mian Village- Kunauli Patti Chamainiya Ps- Manuapul Dist- West Champaran A/P- Villa- Bhariyari Ps- Valmikinagar Dist- W.Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prithvi Nath Mishra, Adv

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 28-03-2024 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 437 of 2022 registered for the offences punishable under section 498A of the Indian Penal Code and 3/ 4 of the Dowry Prohibition Act.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have tortured the informant mentally and physically and ousted her from the matrimonial home due to non fulfillment of demand of Rs. 2 lacs and a car as dowry.



4. 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 the husband of the informant. The petitioner neither demanded any dowry nor tortured the informant. 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.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the allegation being general and omnibus against the petitioner. 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 Bagagha, West Champaran, in connection with complaint Case No. 437 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. 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.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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