

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22554 of 2024

Arising Out of PS. Case No.-498 Year-2020 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Md. Wasim son of Md. Nazir Hussain Village- Naya Siktiya Ps- Mansahi
Dist- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Md. Arifa Khatoon wife of Md. Wasim, D/o- Abedur Rahman @ Abdul Haque Village- Sohradangi Ps- Manihari Dist- Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suresh Prasad Sah @ Baranwal
For the Opposite Party/s : Mr. Md. Matloob Rab

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 22-04-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Complaint Application (C.A.) No. 498/2020, for the offences punishable under Section 498A of the Indian Penal Code and section 4 of the D.P. Act.

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

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 complainant. The petitioner neither demanded any dowry nor tortured the complainant. Learned counsel further submitted that the petitioner has already filed a Matrimonial Case No. 05 of 2020 u/s 9 of the Hindu Marriage Act for restitution of conjugal rights against his wife Arifa Khatoon. After filing this case, the complainant has filed complaint case against the petitioner and her in laws. The petitioner has no criminal antecedent. 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 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.

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, Katihar in connection with Complaint Application (C.A.) No. 498/2020, subject to conditions 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 bond of the petitioner is liable to be cancelled.

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)

Ranjeet/-

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