

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.14292 of 2023**

Arising Out of PS. Case No.-616 Year-2021 Thana- MADHUBANI COMPLAINT CASE  
District- Madhubani

MD. ALI HASSAN S/o Md. Nazim R/o Village- Hattapur, P.S.- Basopatti,  
Distt- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Rukhsana Khatun W/o Md. Ali Hassan, D/o Md. Nayeem R/o Village-  
Rajauli, P.S.- Deodha, Distt- Madhubani.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Shailendra Kumar Jha, Adv.

For the Opposite Party/s : Mr.Bharat Lal, APP

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

ORAL ORDER

4      04-01-2024                      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 and  
  
learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in a case in  
  
connection with C.R. Case No. 616 of 2021 dated 17.07.2021  
  
registered for the offence/s punishable u/ss 323, 341, 498A, 379,  
  
354B, 504, 506 read with section 34 of the Indian Penal Code  
  
and the cognizance was against the petitioner on 11.01.2022 for  
  
the offences under sections 323, 341, 498A read with section 34  
  
of the IPC.



4. As per the prosecution case, the petitioner and the co-accused persons are alleged to have tortured the complainant mentally and physically due to non-fulfillment of demand of Rs. one lakh as dowry.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner is the husband of the informant. The petitioner neither demanded any dowry nor tortured the complainant. There is general and omnibus allegation against the petitioner. 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 at para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently



opposed the anticipatory bail petition 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 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, Madhubani in connection with C.R. Case No. 616 of 2021, 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.

9. The application stands allowed.

**(Chandra Prakash Singh, J)**

guddukr/-

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