

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18752 of 2024

Arising Out of PS. Case No.-38 Year-2023 Thana- MAHILA P.S. District- Siwan

Jahangir Khan, S/O Jalil Khan, R/O Village- Gayaspur, P.S- Siswan, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Anupam, Adv.

For the Opposite Party/s : Mr.Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 08-04-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Siwan Mahila P.S. Case No. 38 of 2023 dated 30.03.2023 registered for the offences punishable u/ss 341, 323, 498A, 504 read with section 34 of the Indian Penal Code and Section 3/4 of the D.P. Act.

4. As per the prosecution case, the petitioner and the co-accused persons are alleged to have tortured the informant mentally and physically due to non-fulfillment of demand of Rs. 2,00,000/- and a four wheeler vehicle as dowry. It is further alleged that the informant's husband wants to solemnize second marriage and the informant's *dewar* killed the foetus in the



womb of the informant by administering some medicine to her. The accused persons also snatched stridhan of the informant and ousted her from the matrimonial home.

5. 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 and he has no concern with the alleged offence. 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.

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



opposed the prayer for anticipatory bail of the petitioner.

7. 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, Siwan in connection with Siwan Mahila P.S. Case No. 38 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

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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