

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21423 of 2024

Arising Out of PS. Case No.-22 Year-2023 Thana- SAHARSA COMPLAINT CASE District-
Saharsa

Md. Sadab Razi Son of Md. Gufranullah Resident of Hussain Chowk, Ward
No. 22, Nagar Parishad, Supaul, Police Station and District- Supaul, Bihar
852131

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Farzana Pravin Wife of Md. Sadab Razi Resident of Ward No. 22, Husain
Chowk, Nagar Parishad, Supaul, P.S. and District- Supaul at present D/o ..
Resident of Sonbarsa Raj, Ward No. 14, P.S.- Sonbarsa Raj, District- Saharsa

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Amrit Abhijat, Advocate
For the Opposite Party/s	:	Mr.Bharat Lal, APP
For the Informant/s	:	Mr. Amarnath Jha, Advocate

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

ORAL ORDER

2 18-04-2024 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 as well as
the learned counsel for the informant and learned Additional
Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in
connection with Complaint Case No. 22/2023 registered for the
offence punishable under Sections 498A, 379, 323 and 341 of
the Indian Penal Code and Sections 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 complainant



mentally and physically due to non-fulfillment of demand of Rs. 5 lacs as dowry.

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 who is husband of the complainant. The petitioner neither demanded any dowry nor tortured the complainant. Learned counsel has submitted that this case has been filed after 12 years of marriage. 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 one criminal antecedent as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State as well as the learned counsel for the informant have vehemently 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/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Saharsa in connection with Complaint Case No. 22/2023, 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 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)

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