

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26509 of 2024

Arising Out of PS. Case No.-169 Year-2021 Thana- NATHNAGAR District- Bhagalpur

Md. Irshad @ Md. Irshad Ansari Son of Late Md. Moin @ Md. Moinuddin
Ansari Resident of Nathnagar Momin Tola, P.S. Nathnagar, District-
Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Najmul Hodda, Advocate
For the Opposite Party/s : Mr. Madan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-04-2024 Heard learned counsel for the petitioner and the State.

2. The petitioner apprehends arrest in a case registered for the offences punishable under Sections 341, 323, 354B, 498(A), 504, 506, 313/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

3. As per prosecution case, all the named accused persons including this petitioner brutally assaulted the informant for non-fulfillment of demand of dowry and ousted her from the matrimonial house.

4. It is submitted on behalf of the petitioner that petitioner happens to be husband of the deceased and present case has been lodged due to petty family dispute. Petitioner never demanded any dowry nor committed any harassment or



torture. There is general and omnibus allegation of commission of assault against him. As a matter of fact, informant was suffering from kidney disease and after marriage, her treatment was being done by the petitioner and with the consent of the informant, petitioner solemnized second marriage. During pendency of the case, the petitioner came to know that the informant had died to the disease. It is next submitted that the case is triable by the Magistrate. In this connection, petitioner has relied upon a 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**.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of petitioner.

6. Considering the aforesaid facts and circumstances, this anticipatory bail is allowed and it is ordered that 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. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bhagalpur in connection with Nathnagar P. S. Case No. 169 of 2021, subject to condition as laid down under Section 438(2) of the Code of Criminal



Procedure.

(Prabhat Kumar Singh, J)

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