

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37479 of 2022

Arising Out of PS. Case No.-53 Year-2021 Thana- MAHILA PS District- Buxar

Mehtab Alam @ Md. Mahtab Alam, aged about 30 years, Male, Son Of Md. Sarajudin @ Serajuddin Mansoori, R/O Village- Kulhariya, P.S.- Buxar(M), Distt.- Buxar.

... .. Petitioner

Versus

1. The State of Bihar.
2. Aisha Khatoon @ Chanda, Wife Of Mehtab Alam @ Mahtab Alam, Daughter Of Md. Wazir, R/O Village- Raghunathpur, P.S.- Brahampur, Distt.- Buxar, Mobile-9996716785

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Akhilesh Kumar Pandey, Advocate
For the O.P. No. 2	:	M/S. Arvind Kumar Pradhan and Mungeshwar Kumar, Advocates
For the State	:	Mr. Ram Bilash Roy Raman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 26-02-2024 This matter has been listed under the heading “For Orders (on office notes)”.

2. A supplementary affidavit with regard to the jointness has been filed on behalf of the petitioner.

3. Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned Additional Public Prosecutor for the State.

4. The petitioner is apprehending his arrest in connection with Buxar (Mahila) P.S. Case No. 53 of 2021 dated 12.07.2021 registered for the offences punishable under



Sections 341, 323, 504, 506, 498A/34 of the I.P.C. and Sections 3/4 of the D.P. Act.

5. As per the prosecution case, the petitioner and other co-accused persons are alleged to have tortured the informant due to non-fulfilment of demand of a motorcycle as dowry.

6. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. The petitioner neither demanded any dowry nor tortured the informant. It is further submitted that the petitioner is the husband of the informant and he has no concern with the alleged offence. It is submitted that there is general and omnibus allegation against the petitioner. It is submitted that the informant is in habit to flee away from her matrimonial house and just after marriage, she insisted to live in her maika for which the petitioner had filed two Informatory Petition Nos. 950 of 2020 and 1147 of 2021. It is further submitted that the petitioner is ready to keep the informant as his wife with full dignity and respect and to that effect he has filed Matrimonial Case No. 109 of 2022 for restitution of his conjugal right which is pending. Learned counsel for the petitioner has relied upon the judgments 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*” and 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*. Learned counsel for the petitioner has further submitted that Section 498A of the Indian Penal Code is triable by the Magistrate. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

7. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have vehemently opposed the prayer for anticipatory bail of the petitioner.

8. 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/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Buxar in connection with Buxar (Mahila) P.S. Case No. 53 of 2021, subject to the condition 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.

9. 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.

10. The application stands allowed.

(Chandra Prakash Singh, J)

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