

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38837 of 2023

Arising Out of PS. Case No.-1418 Year-2022 Thana- COMPLAINT CASE District- Banka

Shakil Ansari @ Md. Shakil @ Md. Sakil, aged 29 years (Male), Son of Late Ali @ Late Ali Ansari, Resident of village - Sultanpur, P.S. - Amarpur, Distt. - Banka.

... .. Petitioner

Versus

1. The State Of Bihar.
2. Bibi Juli Khatoon, aged 26 years (Female), Wife of Shakil Ansari @ Md. Sakil, D/o Nasimuddin Resident of village - Shobhanpur (Katoirya), P.S. - Banka, Distt. - Banka.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Ajay Mukherjee, Advocate
For the O.P. No. 2	:	Mr. Shaukat Alam, Advocate
For the State	:	Mr. Md. Ataur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 17-02-2024 Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 1418 of 2022 registered for the offences punishable under Sections 498A, 323, 504 of the I.P.C. and Sections 3/4 of the D.P. Act.

3. As per prosecution case, the petitioner and other accused persons are alleged to have tortured the complainant due to non-fulfilment of Rs. 2,00,000/- and a Motorcycle as dowry.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely been implicated in the present case. It is submitted that the petitioner neither demanded any dowry nor tortured the complainant. It is further submitted that the petitioner is the husband of the complainant and he has no concern with the alleged offence. There is general and omnibus allegation against the petitioner. It is further submitted that there is no injury report on the record. It is further submitted that the petitioner was earlier working in Saudi Arabia (Domoman) as labour and he was receiving Rs. 24,000/- per month as Indian Currency but due to this false case, the petitioner lost his job and since nine months, the petitioner is jobless. It is further submitted that only for this false case, life of the petitioner has been completely ruined/disturbed. In absence of the petitioner, the complainant tortured the petitioner's mother and also assaulted her and that is the reason, the petitioner does not want to restore his conjugal life. The petitioner has already given two *Talaks* to the complainant as per Muslim law and custom. 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 & 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 I.P.C. is triable by the Magistrate. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

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

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender before the learned court below 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, Banka/successor court, Banka in connection with Complaint Case No. 1418 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C. 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.

7. If so advised, either of the parties will be at liberty to make an application before the learned court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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