

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41108 of 2023**

Arising Out of PS. Case No.-916 Year-2020 Thana- GAYA COMPLAINT CASE District-
Gaya

MD. KALIM ANSARI @ MD. KALIM son of Md. Mokhtar Ansari @ Md.
Mokhtar Village- Mallikpur Ps- Wazirganj Dist- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. RIZWANA KHATOON wife of Md. Kalim Ansari @ Md. Kalim, D/o-
Kausar Alam Village- Rangué Ps- Wazirganj Dist- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mrigendra Kumar, Adv.
For the Complainant	:	Mr. Syed Asgher Najmi, Adv.
For the Opposite Party/s	:	Mr.Nityanand, APP

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

ORAL ORDER

4 10-01-2024 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 and learned
counsel for the Complainant as well as learned Additional
Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in a case in
connection with Complaint Case No. 916 of 2020 dated
13.10.2020 registered for the offence/s punishable u/ss 498A,
380, 323 and 324 of the IPC and took the cognizance under
sections 498A and 323/34 of the IPC and $\frac{3}{4}$ of the DP 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. two lakhs and a car as dowry.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner is the husband of the informant. The petitioner neither demanded any dowry nor tortured the informant. There is general and omnibus allegation against the petitioner. As per the mediation report dated 04.11.2023, the mediation has failed between the parties. Learned counsel for 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 at para 3 of the bail petition.



6. Learned counsel for the Complainant as well as learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the allegation being general and omnibus, 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. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Gaya in connection with Complaint Case No. 916 of 2020, 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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