

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39090 of 2023

Arising Out of PS. Case No.-771 Year-2020 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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SAMIN AKHTAR @ SAMIM AKHTAR SON OF ABEDUR RAHMAN
RESIDENT OF VILLAGE - BADA LAKHANPUR, PS-AMDABAD,
DISTT- KATIHAR

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. SHABANA YASMIN WIFE OF SAMIN AKHTAR RESIDENT OF
VILLAGE - TALGRAM HAAT, PS- HARISHCHANDRAPUR, DISTT-
MALDA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar Singh, Adv.
For the Complainant	:	Mr. Narayan Bimal Kumar, Adv.
For the Opposite Party/s	:	Mr. Umanath Mishra, APP

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

ORAL ORDER

6 15-02-2024 Heard learned counsel for the petitioner and

learned counsel for the informant as well as learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a
case in connection with Complaint Case No. 771 of 2020
registered for the offence/s punishable u/s 498A of the
Indian Penal Code and section 4 of the DP Act.

3. 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 as dowry.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and 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. It is further submitted that the mediation between the parties for amicable settlement has failed. 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.



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

6. 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, Katihar in connection with Complaint Case No. 771 of 2020, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with further condition/s:-

(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 bond of the petitioner is liable to be cancelled.

7. 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.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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