

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45152 of 2023

Arising Out of PS. Case No.-1024 Year-2020 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Mansoor Khan @ Pappu (M), aged about 38 years, S/O Sanaullah Khan, R/O Village- Dhamsar, P.S- Janta Bazar, Distt.- Saran at Chapra.

... .. Petitioner

Versus

1. The State of Bihar.
2. Saniya Praveen, aged about 26 years, D/O Late Tar Mohammad, W/O Mansoor Khan @ Pappu, R/O Village- Dhamsar, P.S- Janta Bazar, Dist.- Saran at Chapra. Presently residing at Mohalla- Danapur, P.S- Manjhagarh, Distt.- Gopalganj.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Umesh Kumar Mishra, Advocate
For the O.P. No. 2	:	M/S. Md. Sufiyan, Thakur Brajesh Singh and Pratush, Advocates
For the State	:	Mr. Rajesh Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 18-04-2024 Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 1024 of 2020, T.R. No. 2059 of 2022 in which cognizance has been taken for the offence punishable under Section 498A of the I.P.C.

3. As per the prosecution case, the petitioner and other co-accused persons are alleged to have tortured the complainant mentally and physically due to non-fulfilment of demand of



motorcycle as dowry.

4. 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 complainant. It is further submitted that the petitioner is the husband of the complainant and he has no concern with the alleged offence. It is submitted that marriage between the parties took place on 11.07.2016 and the petitioner and his entire family members always kept her happy. It is further submitted that the petitioner never solemnized second marriage and still he is ready to keep her as his wife with full honour and dignity. There is general and omnibus allegation against the petitioner. 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. It is submitted by learned counsel for the petitioner that now the petitioner and the complainant are living together and leading happy conjugal life and there is no grievance to each other.

5. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have also conceded the contentions made by the learned counsel for the petitioner. Learned counsel for the opposite party no. 2 has also submitted that now the petitioner and the complainant have resolved the dispute between them and they are living together and leading happy conjugal life and they have no any grievance to each other.

6. Considering the aforesaid facts and circumstances of the case as well as both the parties have resolved the dispute and they are living together happily and there is no grievance to each other, 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 S.D.J.M., Gopalganj or the concerned court where the case is pending in connection with Complaint Case No. 1024 of 2020, T.R. No. 2059 of 2022,



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.

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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