

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52461 of 2024

Arising Out of PS. Case No.-810 Year-2007 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Ahmad Hussain, aged about 45 years, Gender-Male, Son Of Late Ibrahim,
R/O Village- Maltipur, P.S.- Amdabad, Dist- Katihar.

... .. Petitioner

Versus

1. The State of Bihar.
2. Bibi Dilruba Khatoon, Daughter of Abdul Hannan, R/O Village- Chandpur,
P.S.- Harischandrapur, Dist- Malda, P/A- Bibi Dilruba Khatoon, Wife of
Master Ikramul Haque, R/O Village- Uttar Chandipur, P.O- Uttar Chandipur,
P.S.- Bhuthani, Dist- Malda, West Bengal.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Bhola Prasad, Advocate
For the State	:	Mrs. Meena Singh, A.P.P.

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

ORAL ORDER

3 28-08-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with C.A.
Case No. 810 of 2007 dated 12.04.2007 registered for the
offences punishable under Sections 498A, 323, 406 of the I.P.C.
and Section 3/4 of the D.P. Act.

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 Rs.
25,000/- as dowry. It is further alleged that the petitioner
solemnized another marriage with Bibi Tajkera Khatoon and



ousted her from the matrimonial house.

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 further submitted that the matter has been settled between the parties and now they are living separately and the *panches* decided that the opposite party no. 2 is free to get marry anywhere because she took *Khula Talaq* and the petitioner had given *Dain Mahr* to her, as such, the petitioner being illiterate person, on the advise of the *panches* of the opposite party no. 2, she was not produced before the learned court below and a compromise petition has also been filed and closed the case because she herself has said that she would not pursue the case in the learned court below as such the petitioner left *pairvi* and suddenly, the petitioner was arrested by police on 04.04.2024. It is further submitted that now the opposite party no. 2 is living with her newly married husband, as such, she has not made *pairvi* of this case after the cognizance. 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. The petitioner is in custody in this case since 04.04.2024.

5. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, be enlarged on 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., Katihar in connection with C. A. Case No. 810 of 2007.

(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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