

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49531 of 2023

Arising Out of PS. Case No.-1513 Year-2021 Thana- COMPLAINT CASE District- Araria

SHAHBAZ ALAM @ MD. SHAHBAZ ALAM SON OF HAZI ZAFRUL
RESIDENT OF VILLAGE - CHANDRADAI, P.S. AND DISTRICT -
ARARIA

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR, PATNA
2. SHAISTA PRAVEEN WIFE OF SHAHBAZ ALAM, DAUGHTER OF MD.
ANWAROOL HAQUE RESIDENT OF VILLAGE - BAGNAGAR, WARD
NO.4, P.S. - JOKIHAT (MAHALGAON), DISTRICT - ARARIA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Anil Prasad Singh
For the Opposite Party/s	:	Mr.Ranjeet Choubey
For the State	:	Mr. Rajendra Singh Shastri, APP

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

ORAL ORDER

5 19-02-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 1513C of 2021, for the offences punishable under Section 498(A) of the Indian Penal Code and under section 3/4 of the Dowry Prohibition Act.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have tortured the informant mentally and physically and ousted her from the matrimonial home due to non-fulfillment of demand of Rs. 5 Lakh as dowry.

4. Learned counsel for the petitioner has submitted



that the petitioner has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. It is further submitted that the petitioner is the husband of the complainant. The petitioner neither demanded any dowry nor tortured the complainant. The petitioner is ready to keep the complainant (O.P. No.2) with full dignity and honour. 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 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 in para 3 of the bail petition.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the allegation being general and omnibus against the petitioner, 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/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Araria in connection with Complaint Case No. 1513C of 2021, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with further conditions:-

(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)

Ranjeet/-

U		T	
---	--	---	--

