

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51406 of 2023

Arising Out of PS. Case No.-992 Year-2021 Thana- COMPLAINT CASE District- Araria

Md. Mistar, aged about 36 years (M), Son of Ayajul, R/O Village- Maldwar Kamat Tola, Ward No 13, P.S.- Palasi, Dist- Araria.

... .. Petitioner

Versus

1. The State of Bihar.
2. Sagam, (F), Wife Of Md. Mistar, R/O Village- Maldwar Kamat Tola, Ward No. 13, Village- Miyanpur, Ps- Palasi, Dist- Araria.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Madhav Jha, Advocate
For the O.P. No. 2	:	None.
For the State	:	Mrs Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 26-02-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State. However, learned counsel for the opposite party no. 2 is not present.

2. The petitioner is apprehending his arrest in connection with Araria Complaint Case No. 992C of 2021 dated 16.07.2021 registered for the offences punishable under Sections 498A/34 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 due to non-fulfilment of demand of motorcycle and mobile 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 further submitted that due to petty family dispute the present complaint has been filed by the complainant against the petitioner. It is further submitted that the complainant has put pressure on the petitioner to live in her maikhe but the petitioner is not ready to do the same. It is further submitted that the petitioner is ready to keep the complainant as his wife with full respect and dignity as stated in paragraph no. 11 of his bail petition. 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.

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

6. Considering the aforesaid facts and circumstances of the case, 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 court concerned, Araria in connection with Araria Complaint Case No. 992C of 2021, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(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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