

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50111 of 2023

Arising Out of PS. Case No.-420 Year-2019 Thana- PURNIA COMPLAINT CASE District-
Purnia

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Md. Irsad @ Mohammad Irsad @ Irshad Son Of Md. Rashid Resident Of
Village - Chandpur Bhangha, Police Station - Banmankhi, District - Purnia

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Rukhsar Khatoon Wife Of Md. Irsad, Daughter Of Md. Mumtaz Alam
Resident Of Village - Islampur Chandpur Bhangha, Police Station - Janaki
Nagar, District - Purnia

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Narendra Kumar, Advocate
For the Informant	:	Mr. Amit Kumar Anand.

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

ORAL ORDER

4 20-02-2024 Heard learned counsel for the petitioner and learned

counsel for the complainant 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. 420 of 2019 dated
07.03.2019 registered for the offence punishable u/s 498A of the
Indian Penal Code.

3. As per the prosecution case, the petitioner and the
co-accused persons are alleged to have tortured the complainant
mentally and physically due to non-fulfillment of demand of
Rs. 1 lakh or motorcycle 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 complainant. The petitioner neither demanded any dowry nor tortured the complainant. 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 complainant 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, Purnia in connection with Complaint Case No. 420 of 2019, 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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