

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51498 of 2023

Arising Out of PS. Case No.-2056 Year-2022 Thana- COMPLAINT CASE District- Araria

MD. KHURSHID @ MAHAMMAD KURSHED SON OF MD. MADISH
RESIDENT OF VILLAGE - AMOUNA, WARD NO.08, P.S. - JOGBANI,
DISTRICT - ARARIA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. AKBARI KHATUN DAUGHTER OF MD. JAHUR RESIDENT OF
VILLAGE - AMOUNA, WARD NO.07, P.S. - JOGBANI, DISTRICT -
ARARIA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Madhav Jha, Adv.
For the Complainant	:	Mr. Anil Prasad Singh, Adv.
For the Opposite Party/s	:	Mr.Chandra Sen Prasad Singh, APP

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

ORAL ORDER

4 22-02-2024 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 Araria Complainant P.S. Case No. 2056C of
2022 dated 28.09.2022 registered for the offence/s 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.
1,00,000/-, motorcycle and a buffalo worth Rs. 50,000/- 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 informant. The petitioner neither demanded any dowry nor tortured the informant. There is general and omnibus allegation against the petitioner. 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. It is further submitted that the dispute between the parties for amicable settlement has resolved through mediation dated 09.02.2024 and the report of mediation as stated herein-below-:

“ (i) Both sides and their learned counsels are



present and both sides agreed to lead conjugal life.

(ii) The petitioner agreed to take proper care and the O.P. No. 2 on satisfaction after three months shall withdraw/file compromised petition her case at the Court Below, other wise the case shall proceed.

(iii) It has been agreed that the petitioner shall go to the opposite party house to effect Vidai on 11.02.2024 (Sunday).

(iv) That that above contents of this agreement have been read over and explained to us in Hindi in presence of our respective lawyers which we have fully understood and accepted there upon.

(v) That on the above terms and conditions a settlement has been arrived at between the parties and both have signed in presence of their respective learned counsels, who have also put their signature on this agreement.”

5. Learned counsel for the informant as well as learned A.P.P. for the State has stated that both the parties are leading conjugal life happily.

6. Considering the aforesaid facts and circumstances of the case as well as in view of amicable settlement, 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, Araria in connection with Araria Complainant P.S. Case No. 2056C of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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