

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52626 of 2023

Arising Out of PS. Case No.-1141 Year-2021 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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MD. TARIQUE ANWAR @ TARIQ ANWAR Son of Md. Alauddin Resident
of village - Pahadpur, P.s. - Barsoi, Distt. - Katihar

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sahebi Khatoon Wife of Tarique Anwar, D/o Sanua Resident of village -
Baltar, P.S. - Barsoi, Distt. - Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Rahmatullah

For the Opposite Party/s : Mr.Rajendra Singh

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

ORAL ORDER

6 07-03-2024 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. 1141 of 2021, for the
offences punishable under Section 498A of the Indian Penal
Code and Section 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 complainant
mentally and physically and ousted her from the matrimonial
home due to non-fulfillment of demand of Rs. 1 Lakh and a
golden ornament and bullet motorcycle 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, Katihar in connection with Complaint Case No. 1141 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)

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