

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58177 of 2024

Arising Out of PS. Case No.-1079 Year-2022 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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Md. Rahmat @ Rahmat Ali @ Md. Rahmat Ali son of Late Arshad @ Late
Md. Arshid Resident of village - Sitanabad Uttari Panchayat Ward no. 10, Ps-
Bakhtiyarpur, Dist- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nikhat Praveen Daughter of Md. Murtuja Resident of village - Sitanabad
Uttari Panchayat Ward no. 10, Sadar Mohalla, Ps- Bakhtiyarpur, Dist-
Saharsa

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Adv.
For the Opposite Party/s : Mr. Sangeeta Sharma, APP

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

ORAL ORDER

2 27-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has preferred this application for
grant of regular bail in connection with Complaint Case No.
1079(c) of 2022 dated 21.09.2022 registered for the offences
punishable under Sections 341, 323, 498A, 504 and 506 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 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 who is the husband of the complainant. The petitioner neither demanded any dowry nor tortured the complainant. 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 in para 3 of the bail petition. The petitioner is in custody since 28.04.2024.

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

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to 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 learned Judicial Magistrate, 1st class, Saharsa in connection with Complaint Case No. 1079(C) of 2022, with the condition:-

(i) That 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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