

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67297 of 2021

Arising Out of PS. Case No.-549 Year-2020 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Md. Awes, aged about 29 years, Male, Son of Fazlur Rahman, Resident of
Village - Mahila, P.S. - Azamnagar, District - Katihar.

... .. Petitioner

Versus

1. The State of Bihar.
2. Jahan Ara Parween, Daughter of Md. Amin Hussain, Resident of Village -
Kanki Basantpur, P.S. - Chakuliya, District - Uttar Dinajpur (West Bengal).

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Nafisuzzoha, Mrs. Rabia Gulnar and Shabina Talat, Advocates
For the O.P. No. 2	:	None.
For the State	:	Mr. A.P.P.

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

ORAL ORDER

4 01-02-2024 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any, within

a period of three weeks from today.

2. 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.

3. The petitioner is apprehending his arrest in

connection with Complaint Case No. 549 of 2020 dated

20.03.2020 registered for the offences punishable under

Sections 498A and 323 of the I.P.C.

4. 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 Rs. 5,00,000/- as dowry.

5. 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. 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.

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

7. 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, Katihar in connection with Complaint Case No. 549 of 2020, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:-

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.

8. 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.

9. The application stands allowed.

(Chandra Prakash Singh, J)

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