

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59072 of 2023**

Arising Out of PS. Case No.-1889 Year-2020 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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Md. Aslam Son Of Late Md. Fazle Karim @ Fazle Karim R/M Gaushala
Road Sharma Nagar Kanhauli, Po- Ramna, Ps- Mithanpura, Dist-
Muzaffarpur

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Shayra Khatoon Wife Of Md. Aslam, D/O Md. Zahid Mohalla- Pir Momin
Shash Mazar, Imamganj, Ps- Muzaffarpur Town, Dist- Muzaffarpur

... .. Opposite Party/s

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For the Petitioner/s : Mr.Mahendra Thakur, Adv.
For the Opposite Party/s : Mr.Manoj Kumar, APP

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

ORAL ORDER

5 18-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in
connection with Complaint Case No. 1889/ 2020 dated 04.12.2019
registered for the offences punishable u/ss 341, 323, 498A, 494,
406, 120B of the Indian Penal Code and u/s 3/4 of the Dowry
Prohibition Act.

4. 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/- and a motorcycle as dowry. The accused persons also
ousted the Complainant from the matrimonial home.

5. Learned counsel for the petitioner has submitted that
the petitioner is innocent and 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 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. As per the mediation report dated 12.02.2024, the mediation for amicable settlement between the parties has failed.

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

7. 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, Muzaffarpur in connection with Complaint Case No. 1889/2020, subject to conditions 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 prosecution will be at liberty to move for cancellation of his bail bond.

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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