

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60649 of 2023**

Arising Out of PS. Case No.-2048 Year-2021 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Taki Ahmad @ Taquee Ahmad S/O Safi Ahmad Village- Santpur, P.S. Nautan,
Dist- West Champaran, Bettiah

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. Nursaba Khatoon Wife Of Taki Ahmad, D/O Late Basir Khan Village-
Bahurupiya, Ps- Sugauli, Dist- East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manjeet Kumar Mishra, Adv.

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

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

ORAL ORDER

4 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. 2048 of 2021 (Tr. No.
2716/2022) dated 23.02.2022 registered for the offences
punishable u/ss 323 and 498A read with section 34 of the Indian
Penal Code.

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 and ousted her from the
matrimonial home.



5. 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. It is further submitted that the petitioner filed a Matrimonial Case No. 348/2021 under Section 281 for restitution of conjugal rights in Bettiah Court, West Champaran. 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.

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, Motihari, East Champaran in connection with Complaint Case No. 2048 of 2021 (Tr. No. 2716/2022), subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

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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