

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62171 of 2023

Arising Out of PS. Case No.-298 Year-2018 Thana- KAMTAUL District- Darbhanga

MD. JOHA KHAN @ MD. AKRAM KHAN SON OF LAL KHAN
RESIDENT OF VILLAGE - MOHAMMADPUR (PASCHIM TOLA), P.S. -
KAMTAUL, DISTRICT - DARBHANGA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SHABINA KHANAM WIFE OF MD. JOHA KHAN @ MD. AKRAM KHAN RESIDENT OF VILLAGE - MOHAMMADPUR (PASCHIM TOLA), P.S. - KAMTAUL, DISTRICT - DARBHANGA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha
For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 29-02-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of C.R.I. No. 3136 of 2018, arising out of Kamtaul Police Station Case No. 298 of 2018, dated 22.10.2018, disclosing offences punishable under Sections 341/323/498-A/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.
3. The prosecution case, as per the First Information Report, is that the marriage of the informant was solemnized with the petitioner in the year 2011. After the marriage, the petitioner, along with other co-accused persons, started



demanding dowry of Rs. 1,00,000/- and due to the non-fulfillment of the said demand, the informant was subjected to torture, mentally as well as physically.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case and he has not committed any offence in the manner alleged. He further submits that another First Information Report was lodged by the informant against the petitioner in the year 2022, bearing Mahila Police Station Case No. 17 of 2022, in which the petitioner has been granted regular bail. The petitioner was not aware about the present First Information Report, which was lodged by the informant in the year 2018. The petitioner is ready to keep the informant along with him with honour and dignity.
5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the omnibus nature of allegation and the fact that in the earlier First Information Report filed by the informant, the petitioner is on bail and despite valid service of notice upon the Opposite Party No. 2, she has not turned up, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.



7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Darbhanga, in connection with C.R.I. No. 3136 of 2018, arising out of Kamtaul Police Station Case No. 298 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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