

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68053 of 2022

Arising Out of PS. Case No.-896 Year-2019 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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1. MD. SHAMSER @ MD. SAMSAR Son of Late Md. Yakeen @ Late Ekinudin @ Late Aikunuddin R/o Village - Baltar, P.S.- Barsoi, District - Katihar.
 2. Balekha Khatoon @ Maleka Khatun Wife of Late Md. Yakeen @ Late Ekinudin @ Late Aikunuddin R/o Village - Baltar, P.S.- Barsoi, District - Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sabnur Khatoon Wife of Md. Shamsher D/o Md. Naushad Ali, R/o Village - Baltar, P.S.- Barsoi, District - Katihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Praveen Kumar, Adv.
For the complainant	:	Mr. Suresh Prasad Sah @ Baranwal
For the Opposite Party/s	:	Mr.Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 04-01-2024 Learned counsel for the petitioners 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 petitioners and learned counsel for the complainant as well as learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in a case in connection with Complaint Case No. 896 of 2019 dated 02.05.2019 registered for the offence/s punishable u/s 498A of



the Indian Penal Code and section 4 of the DP Act.

4. As per the prosecution case, the petitioners and the co-accused persons are alleged to have tortured the informant mentally and physically due to non-fulfillment of demand of Rs. one lakh as dowry.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. The petitioner no 1 is the husband and the petitioner no. 2 is the mother-in-law of the complainant. The petitioners neither demanded any dowry nor tortured the informant. There is general and omnibus allegation against the petitioners. Learned counsel for the petitioners 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 petitioners has no criminal



antecedent as stated at para 3 of the bail petition.

6. Learned counsel for the complainant as well as learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioners.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned court concerned, Katihar in connection with Complaint Case No. 896 of 2019 , subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

9. The application stands allowed.

(Chandra Prakash Singh, J)

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