

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59804 of 2019

Arising Out of PS. Case No.-940 Year-2017 Thana- COMPLAINT CASE District- Banka

Md. Imran Ansari @ Imran Ansari, aged about 26 years (Male), Son of Md. Sahadat Ansari, Resident of Village-Chandrapura, P.S-Dhoraiya, District-Banka.

... .. Petitioner

Versus

1. The State of Bihar.
2. Sakina Khatoon, aged about 22 years (Female), Wife of Imran Ansari @ Md. Imran Ansari, Resident of Chandrapura, P.O-Chalna, P.S-Dhoraiya, District-Banka. At present daughter of Ayub Ansari, resident of village-Masuriya, P.S-Banka, District-Banka.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Brij Nandad Prasad, Advocate
For the O.P. No. 2	:	Mr. Anil Kumar Singh, Advocate
For the State	:	Mr. Chandra Sen Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

7 31-01-2024 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, learned counsel for the opposite party no. 2 and learned Additional Public Prosecutor for the State.

3. The petitioner was earlier granted provisional anticipatory bail by the then Co-ordinate Bench of this Court vide order dated 24.09.2019 in connection with Complaint Case No. 940 of 2017 dated 12.07.2017 registered for the offences



punishable under Section 498A of the I.P.C. and Section 4 of the D.P. Act.

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. 1,00,000/- and a cow 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 and learned counsel for the opposite party no. 2 have opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, the provisional anticipatory bail granted to the petitioner, vide order dated 24.09.2019, is hereby confirmed.

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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