

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66431 of 2023

Arising Out of PS. Case No.-150 Year-2023 Thana- PURNIA COMPLAINT CASE District-
Purnia

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Madhik @ Madik, Male, aged about 55 years, Son of Md. Maksood, R/o
Jamira, Post - Taroni, P.S. - Jalalgarh, Distt. - Purnia.

... .. Petitioner

Versus

1. The State of Bihar.
2. Nikhat, Female, aged about...years, W/o Madhik, R/o Jamira, Post - Taroni,
P.S - Jalalgarh, Distt. - Purnia.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Dr. Bidhu Ranjan, Advocate
For the O.P. No. 2	:	Mr. Pawan Kumar Singh, Advocate
For the State	:	Mr. Dr. Mrityunjaya Kr. Gautam, A.P.P.

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

ORAL ORDER

4 17-02-2024 This matter has been listed under the heading “For
Orders (on office notes)”.

2. Heard learned counsel for the petitioner, learned
counsel for the opposite party no. 2 and learned A.P.P. for the
State.

3. The petitioner is apprehending his arrest in
connection with Complaint Case No. 150 of 2023 dated
18.01.2023 in which cognizance has been taken under Section
498A of the I.P.C.

4. As per prosecution case, the petitioner and other
accused persons are alleged to have tortured the complainant



due to non-fulfilment of Rs. 2,00,000/- as dowry.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely been implicated in the present case. It is submitted that 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. It is further submitted that the marriage between the petitioner and the complainant was solemnized 22 years ago and out of the wedlock, the complainant has a male child aged about 18 years old. It is submitted that the complainant herself left the house of the petitioner on 02.01.2018 and the present complaint was filed on 18.01.2023 after a lapse of five years. There is general and omnibus allegation against the petitioner. The complainant is the second wife of the petitioner and prior to filing of the present complaint case, 20 decimal of land has been transferred in her name for her livelihood bearing Khata No. 37 and Khesra No. 714. It is further submitted that on 06.08.2022, the complainant had also filed a Complaint Case No. 1594 of 2022 in which cognizance was taken under Sections 323 and 341/34 of the I.P.C. 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 & 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 I.P.C. 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, let the above named petitioner, in the event of his arrest/surrender before the learned court below 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, Purnea in connection with Complaint Case No. 150 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C. 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 bail bonds of the petitioner are liable to be cancelled.

8. If so advised, either of the parties will be at liberty to make an application before the learned 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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