

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.73959 of 2023**

Arising Out of PS. Case No.-668 Year-2022 Thana- NAWADAH COMPLAINT CASE  
District- Nawada

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Md. Saddaque Hussain Md. Waizul Haque Resident of Mohalla -Moghlakhar,  
PS- Bundelkhand, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar, Bihar.
2. Saba Parveen Wife of Md. Saddaque Hussain, Daughter of Saffiq Uddin,  
Resident of Mohalla- Moghlakhar, P.S. - Bundelkhand, District- Nawada.

... .. Opposite Party/s

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**Appearance :**

|                          |   |                             |
|--------------------------|---|-----------------------------|
| For the Petitioner/s     | : | Mr.Anjani Kumar Jha, Adv.   |
| For the Informant        | : | None                        |
| For the Opposite Party/s | : | Mr.Gauri Shankar Gupta, APP |

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

ORAL ORDER

3      02-04-2024                      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. 668 of 2022 dated  
20.06.2022 registered for the offence/s punishable u/ss 323 and  
498A of the Indian Penal Code and <sup>3</sup>/<sub>4</sub> of the DP Act.

3. As per the prosecution case, the petitioner and the  
co-accused persons are alleged to have tortured the informant  
mentally and physically due to non-fulfillment of demand of  
dowry.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. The petitioner is the husband of the informant. The petitioner neither demanded any dowry nor tortured the informant. There is general and omnibus allegation against the petitioner. It is further submitted that the mediation between the parties has failed vide mediation letter dated 07.02.2024. Learned counsel for 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 at para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the allegation being general and omnibus,



let the above named petitioner, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned court concerned, Nawada in connection with Complaint Case No. 668 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with further condition/s:-

(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 bond of the petitioner is liable to be cancelled.

7. 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.

8. The application stands allowed.

**(Chandra Prakash Singh, J)**

guddukr/-

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