

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71528 of 2023

Arising Out of PS. Case No.-40 Year-2016 Thana- PIRPAINTI District- Bhagalpur

Md. Firoz, aged about 35 years (Male), Son of Md. Moin, R/o vill -
Gobindpur, P.S. - Pirpanti, Distt- Bhagalpur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Tahjuda Khatoon, D/o Md. Taiyyab, R/o vill - Rajganj, P.S. - Pirpanti, Distt.
- Bhagalpur.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Subodh Prasad, Advocate
For the O.P. No. 2	:	Mr. Satya Prakash, Advocate
For the State	:	Mr. Tarkeshwar Nath Thakur, A.P.P.

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

ORAL ORDER

3 02-04-2024 Heard learned counsel for the petitioner, learned
counsel for the opposite party no. 2 and learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Pirpanti P.S. Case No. 40/2016 dated
11.02.2016 registered for the offences punishable under
Sections 498A/34 of the I.P.C. and $\frac{3}{4}$ of the D.P. Act.

3. As per the prosecution case, the petitioner and other
co-accused persons are alleged to have tortured the informant
mentally and physically due to non-fulfilment of demand of Rs.
3,00,000/- as dowry.

4. 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 informant. It is submitted that the petitioner is the husband of the informant and he has no concern with the alleged offence. It is further submitted that the petitioner had not performed Nikah with the informant rather the informant had performed Nikah with Md. Dildar Sohab as it is evident from Annexure-2 to the bail petition. It is further submitted that now the matter has already been comprised on 23.05.2023 between the parties and to that effect a compromise petition has already been filed before the learned District and Sessions Judge, Bhagalpur, annexed as Annexure-3 to the bail petition. 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.

5. 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.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Bhagalpur, in connection with Pirpainti P.S. Case No. 40/2016, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

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)

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