

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72415 of 2023

Arising Out of PS. Case No.-18 Year-2020 Thana- SAHEBGANJ District- Muzaffarpur

Md. Munna Ansari Son Of Jainnuddin Ansari Resident Of Village - Balthi
Gausi, P.S. - Sahebganj, District - Muzaffarpur

... .. Petitioner

Versus

1. The State Of Bihar
2. Md. Nijamuddin Son Of Mahmood Mian Resident Of Village- Balthi Gausi
Ps- Sahebganj Dist. -Muzaffarpur

... .. Opposite Parties

Appearance :

For the Petitioner : Ms/Mrs. Smita Kumari, Advocate
For the Opposite Party/s : Mr.Umesh Lal Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 13-09-2024 Heard learned counsel for the petitioner and the State.
Despite valid service of notice, nobody appears for opposite
party no.2.

2. Petitioner apprehends arrest in a case registered for
the offence punishable under sections 147, 148, 323, 341, 302,
363, 498A, 504/34 of the Indian Penal Code.

3. As per the prosecution case, marriage of daughter of
the complainant was solemnized with the petitioner by muslim
rites on 20.02.2019 due to love affair between them. Later on,
petitioner and his family members started demanding dowry
and due to non fulfilment of the same all accused subjected to
cruelty. It is further alleged that the accused persons refused to
abide by decision of Panches. On 04.09.2019 complainant/
informant went to the matrimonial house of his daughter where
he did not find his daughter. On enquiry, the petitioner instead
of telling her whereabouts, he shouted at the informant and
asked him to leave the house. Father of petitioner threatened
the informant to provide money and motorcycle.



4. Learned counsel appearing for the petitioner, while denying the allegations, submits that the petitioner has falsely been implicated in this case because he is husband of the victim. From perusal of paragraph 88 of the case diary, it is evident that the victim is not traceless, rather she has made 164 Cr.P.C. statement in which she has stated that due to torture committed by the petitioner and his family members she had gone to the house of her maternal uncle. She has further stated that she wants to live with her parents. The case is triable by the Magistrate. The petitioner has further 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**.

5. Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let this petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Muzaffarpur in Sahebganj Police Station Case No. 18 of 2021, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

Shashi

U		T	
---	--	---	--

