

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.77856 of 2023**

Arising Out of PS. Case No.-30 Year-2023 Thana- MAHILA P.S. District- Siwan

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Daud Arfin (M), aged about 33 years, Son of Kamrul Arfin, R/o vill - Shivganj, Ward No. 7, P.O.- Narkatiaganj, P.S. - Shikarpur, Distt. - West Champaran.

... .. Petitioner

Versus

1. The State of Bihar.
2. Zeba Noor, (F), aged about 26 years, W/o Daud Arfin, D/o Sarfaraz Ahmad, R/o Purana Quila Pokhra, Chamra Mandi, P.O. - Siwan, P.S. - Saray O.P., Distt. - Siwan

... .. Opposite Parties

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**Appearance :**

|                    |   |                                                         |
|--------------------|---|---------------------------------------------------------|
| For the Petitioner | : | M/S. Prashant Kumar and Manaur Alam,<br>Advocates       |
| For the O.P. No. 2 | : | M/S. Ajay Kumar Pandey and Shubham Sourav,<br>Advocates |
| For the State      | : | Mr. Raj Ballabh Singh, A.P.P.                           |

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

ORAL ORDER

3      17-02-2024                      Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Siwan Mahila P.S. Case No. 30 of 2023 dated 19.06.2023 registered for the offences punishable under Sections 341, 323, 498A/34 of the I.P.C. and Sections 3/4 of the D.P. Act.

3. As per prosecution case, the petitioner and other accused persons are alleged to have tortured the informant due



to non-fulfilment of a four wheeler vehicle as dowry.

4. 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 informant. It is further 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 has filed a Divorce Case No. 29 of 2023 on 01.03.2023 before the learned Principal Judge, Family Court, Bettiah at West Champaran and after filing of divorce case, the present F.I.R. was lodged on 19.06.2023 by the informant. It is further submitted that the marriage of the petitioner with the informant was solemnized on 22.12.2021 as per Muslim rites and custom and from the very beginning of the marriage the behaviour of the informant was very cruel and bad with the petitioner and his family members. It is submitted that during the short stay of the informant in her in-laws house, she remained busy on calls most of the time and till late night and she resorted to frequent quarreling the petitioner and his family members. It is further submitted that in the panchayati, she is not ready to live with the petitioner as a wife and regularly insisted for *Talaq*. 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.

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 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, Siwan in connection with Siwan Mahila P.S. Case No. 30 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.

7. 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.

8. The application stands allowed.

**(Chandra Prakash Singh, J)**

U.K./-

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