

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79323 of 2023

Arising Out of PS. Case No.-98 Year-2023 Thana- KALER District- Jehanabad

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NAUSHAD KHAN@MD NAUSHAD KHAN@MD NAUSHAD AHMAD
S/O QAIS KHAN @ MD. ABUL QUIS KHAN R/O VILLAGE- KALER
(MAHUA BAG) PS. KALER, DISTT. ARWAL.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ramji Kumar, Adv.
For the Informant	:	Mr. Uday Pratap Singh, Adv.
For the Opposite Party/s	:	Mr.Dr. Indihar Kumari, APP

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

ORAL ORDER

2 23-01-2024 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any, within

a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned

counsel for the informant as well as learned Additional Public

Prosecutor for the State.

3. The petitioner is apprehending his arrest in a case in

connection with Kaler P.S. Case No. 98 of 2023 dated

19.07.2023 registered for the offence/s punishable u/ss 341, 323

and 498A of the Indian Penal Code.

4. As per the prosecution case, the petitioner and the

co-accused persons are alleged to have tortured the informant

mentally and physically.



5. Learned counsel for the petitioner has submitted that the petitioner 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. The marriage was solemnized between the parties about 14 years back. There is general and omnibus allegation against the petitioner. 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.

6. Learned counsel for the informant as well as learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

7. 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, Arwal in connection with Kaler P.S. Case No. 98 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, 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 bond of the petitioner is liable to be cancelled.

8. 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.

9. The application stands allowed.

(Chandra Prakash Singh, J)

guddukr/-

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