

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80816 of 2023

Arising Out of PS. Case No.-8 Year-2023 Thana- HASANGANJ District- Katihar

1. Abdul Matin, aged about 38 years (Gender-M), Son of Md. Ibrahim, R/O Village- Hasanganj Nayatola, P.S.- Hasanganj, District- Katihar.
2. Khusboo Khatoun, aged about 30 years (Gender-F), Wife of Abdul Matin, R/O Village- Hasanganj Nayatola, P.S.- Hasanganj, District- Katihar.

... .. Petitioners

Versus

1. The State of Bihar.
2. Shamsher Ali, aged about 55 years, (Gender-M), Son of Late Subed Ali, R/O Village- Simariya Daroga Tola, P.S.- Korha, District- Katihar.

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. Bimal Kumar, Advocate
For the State : Mr. Upendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 21-02-2024 This matter has been listed under the heading “For Orders (on office notes)”.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Hasanganj P.S. Case No. 08 of 2023 dated 17.01.2023 registered for the offences punishable under Sections 498A/34 of the I.P.C.

4. As per the prosecution case, the petitioner no. 1 and other co-accused persons are alleged to have tortured the informant due to non-fulfilment of demand of Rs. 2,00,000/- as



dowry. It is further alleged that the petitioner no. 1 has illicit relationship with the petitioner no. 2.

5. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. It is further submitted that the marriage of the petitioner no. 1 and the informant's daughter was solemnized eighteen years ago and from the wedlock they have four children. The petitioner no. 1 neither demanded any dowry nor tortured the informant. It is further submitted that the petitioner no. 1 is the husband of the informant's daughter and the petitioner no. 2 is the so-called second wife of the petitioner no. 1 and he has no concern with the alleged offence. It is further submitted that the informant's daughter is the first wife of the petitioner no. 1 and she is still living in the house of the petitioner no. 1 with her children but two years back, the petitioner no. 1 married with the petitioner no. 2 as some dispute arose between the informant's daughter and the petitioner no. 1 and the informant always used to put pressure upon the petitioner no. 1 to divorce the petitioner no. 2 but the petitioner no. 1 was not ready to do so the same resulted this false case has been filed against him by the informant. Learned counsel for the petitioners 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 petitioners has further submitted that Section 498A of the Indian Penal Code is triable by the Magistrate. The petitioners have clean antecedent as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned court concerned, Katihar in connection with Hasanganj P.S. Case No. 08 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:-



(I) The petitioners are 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 petitioners are 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)

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