

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85270 of 2023

Arising Out of PS. Case No.-92 Year-2023 Thana- COMPLAINT CASE District- Araria

GUDDU MANSOORI @ MD. GUDDU MANSOORI SON OF MD. MURSEED ANSARI RESIDENT OF VILLAGE - RANGURA UTTAR, WARD NO.4, P.S. - MIRGANJ, DISTRICT - PURNEA

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. BIBI FARJANA KHATOON W/O GUDDU MANSOORI @ MD. GUDDU MANSOORI, D/O ISLAM PRESENTLY RESIDING AT BAIJU PATTI, WARD NO. 05, PS. BHARGAMA, P.O.- BHATGAMA, DIST. ARARIA.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Jha, Adv.
For the Opposite Party/s : Mrs. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 30-01-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Araria Complaint Case No. 92C of 2023 dated 16.01.2023 registered for the offence/s punishable u/s 498A of the Indian Penal Code.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have tortured the complainant mentally and physically due to non-fulfillment of demand of Rs. five lakhs as dowry.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and 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. There is general and omnibus allegation against the petitioner. As per the impugned order, the complainant is not ready to live with 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.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

6. 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, Araria in connection with Araria Complaint Case No. 92C of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with further condition/s:-

(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.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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