

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83075 of 2023

Arising Out of PS. Case No.-15 Year-2023 Thana- MAHILA P.S. District- Siwan

Kalimullah Shekh @ Sameer, aged about 35 years (M), Son of Saimullah Shekh, Resident of Village- Basantpur, Police Station- Rampur, District- Deoria (Uttar Pradesh), At present resident of Nai Kila Patwa Toli, Siwan, Police Station-Siwan Town, District- Siwan.

... .. Petitioner

Versus

1. The State of Bihar.
2. Ratna Kumari, Wife of Kalimullah Shekh, D/O Munna Prasad, Resident of Village- Basantpur, Police Station- Rampur, District- Deoria (Uttar Pradesh), At present resident of Nai Killa Patwa Toli, Siwan, Police Station- Siwan Town, District- Siwan.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Ajay Kumar Tiwary, Advocate
For the State	:	Mrs. Gulnar Begum, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 20-04-2024 Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Siwan Mahila P.S. Case No. 15 of 2023 dated 27.03.2023 registered for the offences punishable under Sections 498A, 323 and 307 of the I.P.C.

3. As per the prosecution case, the petitioner and other co-accused persons are alleged to have tortured the informant mentally and physically due to non-fulfilment of demand of Rs.



10,00,000/- and a Maruti car as dowry.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. 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 submitted that the opposite party no. 2 is not the wife of the petitioner and her marriage has been solemnized with one Manoj Chauhan. It is further submitted that the petitioner runs a American Coaching Centre in which the opposite party no. 2 was an employee and she had taken some money on loan from the petitioner for treatment of her husband and when the petitioner demanded the said money, the present false case has been filed by her. The petitioner had also lodged a Complaint Case No. 2254 of 2022 against the opposite party no. 2. There is general and omnibus allegation against the petitioner. The injury on the body of the opposite party no. 2 has been found to be simple in nature, hence, no offence under Section 307 of the I.P.C. is made out in the present case. It is further submitted that the petitioner is ready to settle the differences with the opposite party no. 2, as stated in paragraph no. 15 of the bail petition. 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 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 petitioner has further submitted that Section 498A of the Indian Penal Code 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 within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Siwan in connection with Siwan Mahila P.S. Case No. 15 of 2023, subject to the condition 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 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 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)

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