

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.688 of 2024

Arising Out of PS. Case No.-5067 Year-2016 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

-
1. Jabir Ali @ Md Jabir Ali @ Jagir Ali son of Late Md Taha Alias Late Md Taha Sah Alias Late Md Taha Mohalla Samsir Nagar lar ward ps Lar, Dist.- Deoria (U.P.)
 2. Mariyam Khatoon Late Md Taha Sah Alias Md Late Md Taha Alias Late Taha Sah Mohalla Samsir Nagar lar ward ps lar district Deoria

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Nazira Khatton Wife Of Jabir Ali R/O Village Samsir Nagar Lar, P.S.- Lar Dist.- Deoria (U.P.) At Present D/O Md Murtuza, Gram Kalopatti, P.S.- Mirganj, Dist.- Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brahmaputra Singh, Adv.
Mrs.Poonam Kumari, Adv.

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 15-02-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with A.B.P. No. 674 of 2023 arising out of Complaint Case No. 5067/2016 dated 27.07.2023 registered for the offences punishable u/s 498A of the Indian Penal Code.

4. As per the prosecution case, the petitioners and the co-accused persons are alleged to have tortured the Complainant mentally and physically due to non-fulfillment of demand of



Rs.1 lakh as dowry.

5. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. There is general and omnibus allegation against the petitioners. It is further submitted that the petitioner no. 1 is the husband and the petitioner no. 2 is the mother-in-law of the Complainant. The petitioners neither demanded any dowry nor tortured the Complainant. Learned counsel 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 petitioners have no criminal antecedent as stated in para 3 of the bail petition.

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



7. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioners, 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/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned court concerned, Gopalganj in connection with Complaint Case No. 5067/2016, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

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)

Gautam/-

U		T	
---	--	---	--

