

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85262 of 2023

Arising Out of PS. Case No.-856 Year-2022 Thana- BETTIAH CITY District- West
Champaran

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Afroj Alam S/O Aslam Mian Village- Jogia Telpur, Ps. Ramnagar, Dist. West
Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jaibun Nesha W/O Afroj Alam, D/O Late Lal Mohammad Mohalla- Dargah,
Ps. Bettiah Town (KALIBAG O.P.), Dist. West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Shrivastava, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, Advocate

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

ORAL ORDER

2 29-01-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bettaih Town (Kalibag O.P.) P.S Case No. 856 of 2022 dated 16.11.2022 registered for the offence punishable u/s 323, 341, 504, 506, 379, 498(A), 494, 354 (B)/34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

4. As per the prosecution case, the petitioner and the co-accused persons are alleged to have tortured the informant mentally and physically due to non-fulfillment of demand of Rs. 2 lakh as dowry. The petitioner also contracted second marriage with another girl.



5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. There is general and omnibus allegation against the petitioner who is the husband of the informant/complainant. 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 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 petitioner.

7. 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/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettaih Town (Kalibag O.P.) P.S Case No. 856 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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