

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40248 of 2025**

Arising Out of PS. Case No.-1296 Year-2023 Thana- COMPLAINT CASE District- Banka

Md Babar Son of Md. Jumman Nadaf Resident of village- Shahpur, Tamauni,
P.S.- Kajraili, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
 2. Marzina Khatoon Wife of- Md. Babar, D/o- Zabbar Mansuri At present-
Naya Tola Dhimra, PO- Laxmipur PS- Amarpur Dist- Banka
- Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar Ghosarvey, Adv.
for the informant	:	Mr. Pankaj Kumar, Adv.
For the Opposite Party/s	:	Mr.Ram Sevak Choudhary, APP

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

ORAL ORDER

4 03-11-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public Prosecutor
for the State.

2. The petitioner is apprehending his arrest in a case in
connection with Complaint Case No. 1296/23 registered for the
offences punishable u/ss 498A, 341, 323, 504 of the Indian Penal
Code.

3. 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
dowry and ousted her from the matrimonial home.

4. Learned counsel for the petitioner has submitted that
the petitioner is innocent and has falsely been implicated in this
case. There is general and omnibus allegation against the



petitioner. It is further submitted that the petitioner is the husband of the informant and he has no concern with the alleged offence. The petitioner neither demanded any dowry nor tortured the informant. 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.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for anticipatory bail of the petitioner and submitted that the matter was referred to Mediation Centre to settle the dispute between the parties but as per the mediation report dated 14.10.2025, the mediation for amicable settlement between the parties has failed.

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/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Banka in connection with Complaint Case No. 1296/23, subject to conditions 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 bond of the petitioner is 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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