

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44201 of 2025

Arising Out of PS. Case No.-320 Year-2020 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Md. Touhid Alam @ Md. Tauhid S/O Md. Kurban, Resident of Village-
Bharbheli, P.O- Garbheli, P.S- Katihar, Distt.- Katihar.

... .. Petitioner

Versus

1. The State of Bihar.
2. Gulfana Khatoon D/O Md. Irfan R/O Village- Jagerganj, P.O- Sirriya, P.S-
Mufassil, Distt.- Katihar.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Raghvendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Akbar Ali, APP

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

ORAL ORDER

4 03-11-2025 Heard learned counsel for the petitioner, learned
counsel for the complainant and the learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in a
case in connection with Katihar Complaint Case No. 320 of
2020, registered for the offences punishable under Sections 323
and 498A of the Indian Penal Code and under Sections 3 and 4
of Dowry Prohibition Act.

3. As per the prosecution case, on the occasion of
marriage of complainant with the petitioner, the parents of
complainant gave one Glamour motorcycle, Rs. 85,000/- cash,
furniture and other house hole articles. It is further alleged that
all the co-accused persons including the petitioner started



torturing and abusing the complainant on account of non-fulfillment of demand of Rs. 1 lakh as dowry and they also ousted her from her matrimonial house.

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 complainant. The allegation levelled against the petitioner is false and concocted. It is further submitted that the petitioner is the husband of the complainant and he has no concern with the alleged offence. 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 498 A of the the Indian Penal Code 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 & Another*** passed in **Criminal Appeal No (s). 2207 of 2023** arising out of **Special Leave Petition (CRL.) No. 3433 of 2023**. The petitioner claims clean antecedent as stated at para 3 of the bail petition.



5. Learned counsel for the complainant as well as learned APP for the State has vehemently opposed the prayer for anticipatory bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances as well as the nature of allegation against the petitioner, let the petitioner named-above, in the event of his arrest / surrender before the learned Court below 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 learned Chief Judicial Magistrate, Katihar, in connection with **Katihar Complaint Case No. 320 of 2020**, subject to conditions as laid down under Section 482(2) of the BNSS.

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. This application stands allowed.

(Chandra Prakash Singh, J)

Shahnawaz/-

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