

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46968 of 2025**

Arising Out of PS. Case No.-85 Year-2024 Thana- COMPLAINT CASE District- Araria

Md. Moim @ Md. Moin S/o Late Turai R/o Village- Belahi, P.S.- Bathnaha,
District- Araria

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sabrun W/o Md. Moin @ Md. Moim D/o Late Md. Jamil, R/o Village-
Dahuwabari, P.S.- Kursakanta, District- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti, Advocate
For the Opposite Party/s : Ms. Sharda Kumari, APP

**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 Complaint Case No. 85 of 2024,
registered for the offence punishable under Section 498A of the
Indian Penal Code.

3. As per the prosecution case, the petitioner and
co-accused persons are alleged to have tortured and complainant
mentally and physically due to non-fulfillment of demand of
either a motorcycle or Rs. 2 lakh cash 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 complainant. The allegation made in the complaint petition is false and fabricated and the petitioner has committed no any offence as alleged in the complaint petition. 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 has no criminal 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 Judicial Magistrate 1st Class, Araria, in connection with **Complaint Case No. 85 of 2024**, subject to conditions as laid down under Section 482(2) of the BNSS, on further condition:

(i) The petitioner is directed to remain physically present before the learned trial Court 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. This application stands allowed.

(Chandra Prakash Singh, J)

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