

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63202 of 2025

Arising Out of PS. Case No.-3008 Year-2023 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Md. Jaul Devan @ Jayaul Dewan @ Jeyaul Dewan S/o Gyasu Devan @
Gyasuddin Devan @ Jeyasuddin Devan R/o- Dariyapur Sangrampur, P.S.-
Sangrampur, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Shahjahan Khatoon @ Sahjahan Khatoon W/o Jaul Devan, D/o- Mangani
Devan R/o- Dariyapur Sangrampur, P.S.- Sangrampur, District- East
Champaran currently R/o Machchargavan, P.S.- Kotwa, District- East
Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Prerna Rishi, Adv.
For the informant	:	Mr. Dhandev Kumar, Adv.
For the Opposite Party/s	:	Ms.Rita Verma, APP

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

ORAL ORDER

4 07-11-2025 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. 3008 of 2023 dated
31.10.2023 registered for the offences punishable u/ss 147, 148,
149, 323, 447, 379, 498A and 506 read with section 34 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 after snatching her belongings. It is further alleged that the accused persons with an intention to kill the informant also poured kerosene oil on her body but the attempt was unsuccessful.

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.

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, Motihari, East Champaran in connection with Complaint Case No. 3008 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

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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