

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63982 of 2025

Arising Out of PS. Case No.-216 Year-2024 Thana- SIWAN COMPLAINT CASE District-
Siwan

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Sami Akhtar S/O Mohammad Darud Resident of Manik Nagar Daragahiya
Nanda Nagar, P.O.- Kudaghat, P.S.-Ninathapa, Distt.- Gorakhpur, U.P.-
273008

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Ladli Naaz W/O Sami Akhtar, D/O Amreazam R/O Vill.- Jagdishpur, P.S.-
Jamo Bazaar, Dist.- Siwan, Pincode-841413

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Md Azim Uddin Mr. Sunil kr. Singh Mr. Aman Kumar Singh
For the Opposite Party/s :		Mr.Akshay Lal Pandit
For the Informant	:	Mr. Sanjay Kumar Pandey

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

ORAL ORDER

3 11-11-2025 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
connection with Complaint Case No. 216/2024 registered for
the offences punishable under Sections 498A read with 34 of
the Indian Penal Code and Sections 3 and 4 of the D.P. Act.

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.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. There is a general and omnibus allegation against the petitioner who is the husband of the complainant. The petitioner neither demanded any dowry nor tortured the complainant. The petitioner has filed a petition before the learned Principal Family Court, Gorakhpur, Bearing Case No. 115/2024, for restitution of conjugal rights. 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 as well as learned counsel for the informant has vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that the petitioner has solemnized second marriage.



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, Siwan in connection with Complaint Case No. 216/2024, subject to conditions as laid down under section 482(2) of the B.N.S.S, 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 bonds of the petitioner are 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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