

In the Court of Sessions Judge, Supaul
A.B.A.-1710/2025
(Arising out of Complaint Case No:-175C/2023)

<u>16/04/2026</u>	Md. Jakir, S/o- late Taslim, R/o- Gospur, Ward No.01, PS- Karjain, District-Supaul;Accused/Petitioner Vs. State of Bihar.O.P. Ld. Counsel for petitioner Sri. Kumar Shashi Bhushan Lal Das, Advocate. Ld. PP Sri. J.N.Pandey, for the State. By this order we are going to dispose off the anticipatory bail application filed on behalf of accused/ petitioner, namely Md. Jakir, who is apprehending his arrest in Complaint Case No.:–175C/2023, u/s- 498(A), 323, 494 of IPC & 3/ 4 of D.P.Act. Ld. counsel for the accused/ petitioner argued that accused/ petitioner is quite innocent and has committed no crime and he has falsely been implicated in this case due to dirty village politics. He further submitted that there is no any specific allegation against this accused/ petitioner and he is ready to keep the complainant with him with full honour and dignity. He further submitted that the offence u/s- 498(A), 494 of IPC is not applicable against the accused/ petitioner. It is also submitted that accused/ petitioner is ready to abide by the provisions of section 482 of B.N.S.S, so he may be admitted to the anticipatory bail. Ld. PP for the State strongly opposed the anticipatory bail application. In brief, the prosecution story is that a complaint case was filed by the complainant namely, Sahin Khatoon against 5 accused persons, including this accused/ petitioner, who is the husband of the complainant. As per the statement of the complainant that her marriage was solemnized with this accused/ petitioner for about 3/4 years ago and the couple was also blessed by two children. The complainant further alleged that after one year of her marriage, her husband has started torturing her for the demand of dowry and the accused has demanded Rs.1 lakh as dowry. The complainant further alleged that her husband has solemnized the second marriage marriage. Argument heard from both sides and perused the lower court record. On perusal of the lower court record, it transpires that in this case, the complainant also examined other witnesses namely Dil Mohammad and Bibi Sakina and on the basis of above said statement, the Ld. Magistrate has took cognizance against 3 accused persons including this accused/ petitioner, u/s- 498(A), 494, 323 of IPC and 3/ 4 of D.P.Act vide order dated 18.04.2024. Ld. Counsel for the accused/	Contd.
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<u>Contd.</u> <u>16/04/2026</u>	petitioner also submitted the photocopy of FIR of Mahila Police Station bearing registration No.19/23 and this FIR was also filed by the complainant of this case against this accused/ petitioner. This FIR was registered on 03.06.2023 and the complainant has filed this complaint case in May, 2023. The allegation against this accused/ petitioner is general in nature. The complainant has filed the complaint case as well as police case against the accused/ petitioner for the same offence, which is not justifiable in the eye of law. The case revolves on complaint petition. Hence, keeping in mind the general nature of allegation and other surrounding circumstances as well as the <i>Ratio laid-down</i> by the Hon'ble Supreme Court in case of "Satendra Kumar Antil Vs. CBI" and our own Hon'ble High Court, Patna in case of "Naushad Ansari Vs. The State of Bihar", I find that the accused/ petitioner is entitled to get the benefit of anticipatory bail. Therefore, the prayer for anticipatory bail of accused/ petitioner stands Allowed and in the event of his arrest or surrender before the court within 15 days from the date of receipt of a copy of this order, petitioner is directed to be released on furnishing bail bonds of Rs.20,000/- with two sureties of like amount each to the satisfaction of Learned Court below with condition that he shall abide by all the conditions laid down in section 482 of B.N.S.S and one of the bailor must be family member or close relative. Dictated -Sd- (Anant Singh) Sessions Judge, Supaul	
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