

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2836 of 2023**

Arising Out of PS. Case No.-1058 Year-2021 Thana- PATNA COMPLAINT CASE District-  
Patna

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AMIT KUMAR @ ROUSHAN KUMAR S/O Late Prem Kumar Singh R/O  
Gajadharchak, Gola Road, P.S- Danapur, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Alka Devi W/O Roushan Kumar @ Amit Kumar, D/O Manoj Singh  
Presently R/O Village Patlapur, Post Madhopur, P.S- Shahpur (Danapur)  
District- Patna

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Anupa Nand Jha, Advocate  
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

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

ORAL ORDER

10    07-11-2023                      Learned counsel for the petitioner is permitted to  
  
remove the defect(s), as pointed out by the office, if any, within  
  
a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned  
  
counsel for the complainant as well as learned Additional Public  
  
Prosecutor for the State.

3. The petitioner is apprehending his arrest in a case in  
  
connection with Complaint Case No. 1058 of 2021 dated  
  
22.10.2021 registered for the offence/s punishable u/ss 323, 324,  
  
341 and 498A read with section 34 of the Indian Penal Code  
  
and ¾ of the DP Act.



4. As per the prosecution case, the petitioner and the co-accused persons are alleged to have tortured the complainant mentally and physically due to non-fulfillment of demand of a motorcycle and golden chain as dowry. It is further alleged that the foetus of four months was in her womb which aborted due to assault.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner is the husband of the informant. The petitioner neither demanded any dowry nor tortured the informant. There is general and omnibus allegation against the petitioner. 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 at para 3 of the



bail petition.

6. Learned counsel for the complainant as well as learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

7. 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 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, Danapur in connection with Complaint Case No. 1058 of 2021, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

8. 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.

9. The application stands allowed.

**(Chandra Prakash Singh, J)**

guddukr/-

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