

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10699 of 2022

Arising Out of PS. Case No.-336 Year-2021 Thana- RAJAON District- Banka

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1. KUNDAN DAS Son of Bisheswar Das @ Vishakhar Das Resident of Village - Kathchatar, Police Station - Rajaun, District - Banka.
 2. Bisheswar Das @ Vishakhar Das Son of Huro Das Resident of Village - Kathchatar, Police Station - Rajaun, District - Banka.
 3. Dulari Devi Wife of Bisheswar Das @ Vishakhar Das Resident of Village - Kathchatar, Police Station - Rajaun, District - Banka.
 4. Jaidi Devi @ Daisy Devi wife of Chandan Das Resident of Village - Kathchatar, Police Station - Rajaun, District - Banka.
 5. Chandan Das son of Bisheswar Das @ Vishakhar Das Resident of Village - Kathchatar, Police Station - Rajaun, District - Banka.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Usha Devi D/o Lattu Das Wife of Kundan Resident of Village - Jicho Sardho, Police Station - Sabour, District - Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate
For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 12-01-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable u/s 498(A) of the Indian Penal Code and 3 and 4 of the Dowry Prohibition Act.

As per the prosecution case, the marriage of the



informant was solemnized with the petitioner Kundan Das in the year 2019. After the marriage, the accused persons demanded Rs. five lakhs as dowry and due to non-fulfillment of the said demand, they tortured the informant physically and mentally. The petitioners assaulted and drove out the informant from her matrimonial house.

Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. The petitioner no. 1 Kundan Das is the husband of the informant. He has submitted that the petitioners have neither demanded any dowry nor tortured her. He has further submitted that the petitioner no. 1 is not solemnized second marriage and ready to keep his wife. The petitioners have no criminal antecedent as stated at para 3 of the bail petition. All the offences are triable by the Magistrate. The learned counsel for the petitioners 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 A.P.P. for the State as well as learned counsel for the informant has vehemently opposed the prayer of anticipatory bail of the petitioners by submitting that the compromise between the parties has failed as per mediation



report.

Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned court concerned in connection with Rajoun P.S. Case No. 366 of 2021, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This application stands allowed.

The petitioner is directed to co-operate during the trial. If the petitioner does not co-operate during the trial, the Court below will be at liberty to cancel the bail bonds of the petitioner.

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.

(Chandra Prakash Singh, J)

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