

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16340 of 2023

Arising Out of PS. Case No.-266 Year-2022 Thana- JAMHOR District- Aurangabad

Bunty Kumar, age 28 years, Male, S/O Late Rajendra Prasad Singh @ Late Rajendra Singh, R/O Village- Jamhore, P.S.- Jamhore, Dist- Aurangabad.

... .. Petitioner

Versus

1. The State of Bihar.
2. Sonam Kumari, age 22 years, Wife of Bunty Kumar, R/O Village- Jamhore, P.S.- Jamhore, Dist- Aurangabad. At present- D/o- Madan Kumar Singh. R/O Village- New Godon Tel Bigha, P.S.- Kotwali, Dist- Gaya.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Mukul Kumari, Advocate.
For the O.P. No. 2	:	M/S. Praveen Kumar and Raju Kumar Singh, Advocates
For the State	:	Mr. Yogendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

8 20-12-2023 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, learned counsel for the opposite party no. 2 and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Jamhore P.S. Case No. 266 of 2022, G.R. No. 2587 of 2022 dated 01.11.2022 registered for the offences punishable under Sections 341, 323, 379, 498A/34



of the I.P.C. and Section 3/4 of the D.P. Act.

4. As per the prosecution case, the petitioner and other co-accused persons are alleged to have tortured the informant due to non-fulfilment of demand of four wheeler vehicle as dowry.

5. Vide order dated 30.11.2023, both the parties were directed to remain physically present before this Court on 20.12.2023 for reconciliation of the matter. In pursuance of the aforesaid order dated 30.11.2023, both parties are present before this Court and submit that both the petitioner and the opposite party no. 2 are living together happily and there is no grievance to each other. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. The petitioner neither demanded any dowry nor tortured the informant. It is further submitted that the petitioner is the husband of the informant and he has no concern with the alleged offence. Learned counsel for the petitioner has relied upon the judgments 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*” and 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.* Learned counsel for the petitioner has further submitted that Section 498A of the Indian Penal Code is triable by the Magistrate. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have appeared and submit that the dispute between the parties have been resolved and both the petitioner and the opposite party no. 2 are living together happily and there is no grievance to each other.

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 anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Aurangabad in connection with



Jamhore P.S. Case No. 266 of 2022, G.R. No. 2587 of 2022,
subject to the condition as laid down under Section 438(2)
of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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