

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28202 of 2021

Arising Out of PS. Case No.-768 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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Vivek Kumar @ Vivek Kumar Singh (Male), aged about 48 years, Son of
Shankar Singh, Resident of Village - Karjan, P.S.- Athmalgola, District –
Patna.

... .. Petitioner

Versus

1. The State of Bihar.
2. Riya Kumari @ Vikky (Female), aged about 23 years, Wife of Vivek Kumar,
D/o- Bipin Kumar Singh, R/o- Karjan, P.S.- Athmalgola, District - Patna
Present R/o Purbi Malahi, P.S.- Barh, District – Patna.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Manoj Kumar Pandey, Advocate
For the State : Mrs. Sangeeta Sharma, A.P.P.

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

ORAL ORDER

14 31-10-2023 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
Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in
connection with Complaint Case No. 768 of 2019 dated
15.10.20219 for the offence punishable under Sections 498A/34
of the Indian Penal Code.

4. As per the prosecution case, the petitioner and other
co-accused persons are alleged to have tortured the complainant



due to non-fulfilment of demand of dowry.

5. 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 complainant. It is further submitted that the petitioner is the husband of the complainant and he has no concern with the alleged offence. There is general and omnibus allegation against the petitioner. On earlier occasion, the informant had also filed a Complaint Case No. 334C of 2018 against the petitioner for the offence punishable under Sections 498A/34 of the I.P.C. in which the petitioner had already been acquitted by the learned court below. It has further been pointed out that the mother of the petitioner had also filed a Complaint Case No. 90760 of 2018 (867/2018) against the complainant and her family members which is pending before the court of learned Judicial Magistrate, Asansol. The petitioner has further 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” 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 498(A) of the Indian Penal Code is triable by the Magistrate. The petitioner has one criminal antecedent as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail 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 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 Judicial Magistrate, Barh, Patna in connection with Complaint Case No. 768 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with the 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.

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)

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