

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44358 of 2023

Arising Out of PS. Case No.-1625 Year-2020 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

Yag Prakash @ Yagyaprakash S/O Baidhanath Prasad Resident of Village-
Jhajhamanganj, P.S.- Jandaha, District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Nandani Kumari Wife of Yag Prakash, Resident of Village- Jhajhamanganj,
P.S.- Jandaha, District- Vaishali, Present Address Nandani Kumari, Daughter
of Jitendra Sah, Village- Nauranga, P.O.- Shitalasthan, P.S.- Begusarai,
District- Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashutosh Kumar, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Pandey, A.P.P.
For the Complainant	:	Mr. Sanjay Sinha, Advocate
		Mr. Md. Fazle Karim, Advocate.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 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; learned

Additional Public Prosecutor for the State and learned counsel

for the complainant.

3. The petitioner is apprehending his arrest in

connection with Complaint Case No. 1625(C) of 2020 dated

24.12.2020 registered for the offence punishable under Section

498A, 406, 506 of the Indian Penal Code 3 & 4 of the D.P. 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 Rs. 2,00,000/- as dowry.

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

6. Learned A.P.P. for the State along with learned counsel for the Complainant has vehemently 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/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Begusarai in connection with Complaint Case No. 1625(C) of 2020, 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)

Nilmani/-

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