

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32765 of 2023

Arising Out of PS. Case No.-39 Year-2022 Thana- MAHILA P.S District- Supaul

Mukesh Sah, aged about 23 years (M), Son of Lakhendar Sah, Resident of vill
- Chilwa, Ward No. 02, P.S. - Kishanpur, Distt. - Supaul.

... .. Petitioner

Versus

1. The State of Bihar.
2. Kiran Kumar (F), Wife of Mukesh Sah, D/o Vidyanand Sah, Resident of
village - Bishanpur, P.S. - Bhaptiyahi, Distt. - Supaul.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Madhav Jha, Advocate
For the O.P. No. 2	:	None.
For the State	:	Mr. Anil Kumar, A.P.P.

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

ORAL ORDER

5 12-12-2023 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 and learned
Additional Public Prosecutor for the State. However, learned
counsel for the opposite party no. 2 is not present.

3. The petitioner is apprehending his arrest in
connection with Supaul Mahila P.S. Case No. 39 of 2022 dated
11.07.2022 registered for the offences punishable under
Sections 341, 323, 498A, 494, 504, 506/34 of the I.P.C. and
Section $\frac{3}{4}$ of the D.P. Act.

4. As per the prosecution case, the petitioner and other



co-accused persons are alleged to have tortured and assaulted the informant due to non-fulfilment of demand of Rs. 2,00,000/- as dowry and on refusal, the petitioner ousted the informant from the matrimonial home and contracted second marriage with Jyoti Kumari on 18.02.2022. It is further alleged that due to assault, unborn child of the informant has died and the accused persons also snatched Jewellery of the informant.

5. vide order dated 31.10.2023, both parties were directed to remain physically present before this Court on 05.12.2023 for amicable settlement but from perusal of the order dated 05.12.2023, it appears that no one had appeared before this Court.

6. Today, the petitioner is present before this Court but the opposite party no. 2 is not present. On query, the petitioner has stated before this Court that he is ready to keep the opposite party no. 2 with him as his wife with all respect and dignity as stated in paragraph no. 10 of the bail application. The petitioner has further stated that he has not contracted second marriage with any one as stated in paragraph no. 8 of the bail application. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. Learned counsel for the petitioner has further submitted



that the petitioner neither demanded any dowry nor tortured the opposite party no. 2. It is further submitted that the petitioner is the husband of the opposite party no. 2. 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 498(A) 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.

7. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

8. 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, Supaul in connection with Supaul Mahila P.S. Case No. 39 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

9. 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.

10. The application stands allowed.

(Chandra Prakash Singh, J)

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