

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35412 of 2023

Arising Out of PS. Case No.-626 Year-2021 Thana- CHAPRA MUFFASIL District- Saran

Ram Pravesh Mishra S/O Birendra Mishra R/O Village-Mala, P.S-Chapra
Muffasil, District-Saran at Chapra

... .. Petitioner

Versus

1. The State Of Bihar
2. Shilpi Kumari D/O Manoj Kumar Tiwary And W/O Ram Pravesh Mishra
R/O Village- Sikandarpur, P.S-Maharajganj, District-Siwan

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Nawnit Kumar Tiwary, Advocate
For the State : Mr. Akbar Ali, APP

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

ORAL ORDER

4 22-11-2023 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 and learned

Additional Public Prosecutor for the State.

3. The Petitioner is apprehending his arrest in

connection with Chapra Muffasil P.S. Case No. 626 of 2021

dated 20.11.2021 registered for the offences punishable u/s 498

of the Indian Penal Code and Sections 3 and 4 of the Dowry

Prohibition Act.

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

family members demanded dowry from the informant but she



refused to give dowry, upon this all of them assaulted and tortured the informant.

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. The petitioner is the husband of the informant and he neither demanded dowry nor tortured her. 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 at para 3 of the bail petition.

6. Learned A.P.P. for the State 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 Chief Judicial Magistrate, Saran at Chapra in connection with Chapra Muffasil P.S. Case No. 626 of 2021, 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)

shweta/-

U		T	
---	--	---	--

