

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38245 of 2022

Arising Out of PS. Case No.-3861 Year-2019 Thana- SARAN COMPLAINT CASE District-
Saran

=====

Harshbardhan Kumar Singh, aged about 33 years old, S/o- Ashok Kumar Singh, Resident of Village - Sewatpur, P.S.- Mairwa, District - Siwan.

... .. Petitioner

Versus

1. The State of Bihar.
2. Bharti Singh, aged about 41 years old, W/o- Harshbardhan Kumar Singh, Resident of Village - Amnour, P.S.- Amour, District - Saran.

... .. Opposite Parties

=====

Appearance :

For the Petitioner	:	Mr. Prabhakar Singh, Advocate, Mr. Adarsh Ranjan, Advocate and Mrs. Rana Neha, Advocate.
For the O.P. No. 2	:	M/S. Shekhar Singh, Sumit Kumar and Avinash Kumar Singh, Advocates.
For the State	:	Mr. Shyam Kumar Singh, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

7 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, 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 Complaint Case No. 3861 of 2019 dated 13.11.20219 for the offence punishable under Sections 323, 498A of the I.P.C. and Section ¾ of the D.P. Act.

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



co-accused persons are alleged to have tortured and harassed the complainant due to non-fulfilment of demand of Rs. 4,00,000/- as 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. It has further been pointed out that prior to filing of the present complaint case, the petitioner had filed a Divorce Case No. 274/2019 on 14.10.2019 before the court of learned Principal Judge, Family Court, Siwan against the complainant and thereafter the present complaint has been filed on 13.11.2019 against the petitioner and his family members. 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 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 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 Sub Divisional Judicial Magistrate, Saran at Chapra, in connection with Complaint Case No. 3861 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further 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)

U.K./-

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

