

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38493 of 2023

Arising Out of PS. Case No.-234 Year-2019 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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Santosh Poddar, Son of Ram Udgar Poddar, Resident of Village - Bargaon,
P.S.- Jamalpur (O.P. Bargaon), District - Darbhanga.

... .. Petitioner

Versus

1. The State of Bihar.
2. Babita Devi, Wife of Santosh Poddar, D/o - Jugeshwar Poddar, Resident of Village - Chhilkora, P.S.- Ghanshyampur, District - Darbhanga.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Girish Chandra Jha, Advocate
For the State : Mr. Anuj Kumar Shrivastava, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 19-12-2023 A supplementary affidavit filed on behalf of the petitioner with regard to the jointness of the opposite party no. 2 with her brother is accepted.

2. 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.

3. Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned Additional Public Prosecutor for the State.

4. The petitioner is apprehending his arrest in connection with Complaint Case No. 234 of 2019 dated 18.09.2019 registered for the offence punishable under Section



498A of the I.P.C.

5. 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 Rs. 50,000/- and a Motorcycle as dowry.

6. 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. The petitioner is ready to keep the complainant as his wife with full dignity as stated in paragraph no. 7 of the bail application. It is submitted that the complainant herself is not ready to live in her matrimonial house for the reason best known to her. It is submitted that the occurrence took place on 16.09.2016 and the complaint was filed on 18.09.2019 after a delay of three years and no satisfactory explanation has been shown by the prosecution. 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 and learned counsel for the opposite party no. 2 have 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, Darbhanga in connection with Complaint Case No. 234 of 2019, 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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