

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48652 of 2023

Arising Out of PS. Case No.-834 Year-2014 Thana- MUNGER COMPLAINT CASE
District- Munger

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Rakesh Kumar Ray @ Rinku, aged about 32 years, Gender-Male, S/O Mahendra Prasad Ray @ Mahendra Ray, R/O Village- Kalicharan, Bengal Lane, Jogsar, P.S- Adampur, Distt.- Bhagalpur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Amrita Devi, W/O Rakesh Kumar Ray @ Rinku, D/O Prahalad Prasad, R/O Muhalla- Haluaipatti, Sharwan Bazar, Near Sitla Ashtan, P.S- Kotwali, Distt.- Munger.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	M/S. Shivendra Kumar Sinha, Ranjeet Patel and Divit Vinod, Advocates
For the State	:	Mrs. Indu Kumari Srivastava, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 09-11-2023 The defect no. 5, as pointed out by the office, has been removed by learned counsel for the petitioner by way of filing of a supplementary affidavit.

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 Complaint Case No. 834C of 2014 dated 02.09.2014 registered for the offences punishable under Sections 323, 498(A), 504 of the I.P.C. and Section 4 of the D.P. Act.



4. 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. 2,00,000/- 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. The petitioner is ready to keep the complainant-opposite party no. 2 as wife with full dignity and honour but she herself left the matrimonial house alongwith two children and filed this case. The marriage has been solemnized between the parties in the year 2005. 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.

6. Learned A.P.P. for the State has 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 Court concerned, Munger in connection with Complaint Case No. 834C of 2014, 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)

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