

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47298 of 2023**

Arising Out of PS. Case No.-173 Year-2022 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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RAJEEV KUMAR S/o- LATE NAWAL KISHOR RAM Village- Tekanwas
Ps- Mahammadpur Dist- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Kiran Devi wife of Rajeev Kumar, D/o- Hareshwar Prasad Village Po-
Nawada Ps- Barouli Dist- Gopalganj

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhramveer, Advocate

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

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

ORAL ORDER

4 05-12-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in
connection with Complaint Case No. 173 of 2022 dated
24.01.2022 registered for the offences punishable u/ss 498A,
323, 406 read with section 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and the
co-accused persons are alleged to have tortured the Complainant
mentally and physically due to non-fulfillment of demand of Rs.
10,00,000/- 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. Learned counsel has further submitted that the Complainant has filed Maintenance Case No. 20 of 2022 on 03.02.2022 against the petitioner and his family members. It is further submitted that the petitioner is the husband of the Complainant and he has no concern with the alleged offence. 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 Indian Penal Code 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 two criminal antecedent as stated at para 3 of the bail petition.

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, Gopalganj in connection with Complaint Case No. 173 of 2022, Trial No. 1895 of 2023, subject to the condition 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)

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