

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47642 of 2023

Arising Out of PS. Case No.-8147 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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Abhishek Kumar Son Of Late Bhim Shankar Ojha Resident Of Village-
Babhangawan, P.S.- Krishnagarh, Dist.- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kriti Kumari Daughter Of Sri Rang Nath Pandey Resident Of Village-
Sector 3a, Ram Nagari, Aashiyana Nagar, P.S.- Rajiv Nagar, Dist.- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Surendra Kumar Singh, Advocate Mr. Tulike Singh, Advocate Mayank, Advocate
For the Opposite Party/s :		Mr.Umanath Mishra, A.P.P
For the Complainant	:	Mr. Jai Shankar Pathak, Advocate

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

ORAL ORDER

3 08-12-2023 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 as well as learned

counsel for the informant.

3. The petitioner is apprehending his arrest in

connection with Complaint Case No. 8147C of 2021 dated

22.12.2021 registered for the offence punishable under Sections

323, 498A, 504, 506 read with 34 of the Indian Penal Code and

Sections 3 & 4 of the D.P. Act.



4. 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. 15 lacs as dowry.

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 who is husband of the complainant. The petitioner neither demanded any dowry nor tortured the daughter of the informant. 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 in para 3 of the bail petition.

6. Learned A.P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer for anticipatory bail of the petitioner. Learned counsel for the



informant has relied on the judgment **Preeti Gupta & Anr. v. State of Jharkhand & Anr.** Reported in AIR 2010 Supreme Court 3363.

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 court concerned, Patna in connection with Complaint Case No. 8147C 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)

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