

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46692 of 2023

Arising Out of PS. Case No.-366 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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SIPU KUMAR Son of Late Rajendra Mahto @ Late Rajendra Singh Resident
of village - Pothhi, P.S. - Punpun, Distt. - Patna

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Mamta Devi Son of Sipu Kumar, D/o Ramlakhan Mahto Resident of village
- Pothhi, P.S. - Punpun, Distt. - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nitya Nand Neeraj
For the Opposite Party/s : Mr.Jharkhandi Upadhyay

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

ORAL ORDER

3 30-10-2023 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 and learned

Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in

connection with Complaint Case No. 366(C) of 2022 dated

18.08.2022 registered for the offence punishable under Sections

323, 498A and 494 of the Indian Penal Code.

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

co-accused persons are alleged to have assaulted the

complainant for non-fulfillment of demand of dowry as Rs. 2

lacs.



5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner neither demanded any dowry nor tortured the complainant. Learned counsel further submitted that after 15 years of marriage the complainant has lodged this case against the petitioner and his family members. There is general and omnibus allegation against the petitioner. 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 reported in (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.**

6. Learned A.P.P. for the State has vehemently 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/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Masaurhi, Patna in connection with Complainant Case No. 366(C) of 2022, 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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