

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52306 of 2023

Arising Out of PS. Case No.-1093 Year-2018 Thana- SARAN COMPLAINT CASE District-
Saran

=====

Shailesh Bharti Son Of Sita Ram Bharti R/O Village- Tesuar Ke Mathiya, P.S.
Rasulpur, Distt- Saran

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Preeti Bharti Wife Of Shailesh Bharti Resident Of Village- Tesuar Ke Mathiya, Rasulpur, Ps- Rasulpur Distt- Saran Presently Residing At D/O Dhanlal Bharti Village Yogiya, Ps- Rasulpur, Distt- Saran

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shekhar Harshvardhan, Advocate
For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 09-11-2023 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. 1093 of 2018, Tr. No. 211 of 2023 dated 12.06.2018 registered for the offence punishable under Sections 498A 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 assaulted and tortured the informant mentally and physically due to non-fulfillment of demand of Rs. 1,00,000/- and a Pulsar motorcycle 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. It is further submitted that the petitioner neither demanded any dowry nor tortured 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 two criminal antecedents as stated in para 3 of the bail petition.

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, Saran at Chapra in connection with Complaint Case No. 1093 of 2018, 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)

Nilmani/-

U		T	
---	--	---	--

