

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47028 of 2023**

Arising Out of PS. Case No.-918 Year-2022 Thana- PHULWARISHARIF District- Patna

NIKHIL SHARMA @ NIKHIL KUMAR S/O NAGENDRA PRASAD R/O
VILLAGE- GAJA CHAK MAHMADPUR, PS. JANIPUR, DIST. PATNA

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. PRIYANKA KUMARI D/O DEVENDRA KUMAR R/O A/54,
SACHIVALAYA COLONY, PS. KANARBAGH, DIST. PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate
For the Opposite Party/s : Mr.Ram Anurag Singh, APP

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

ORAL ORDER

5 07-11-2023 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 Phulwarisharif (Janipur) P.S. Case No. 918 of 2022 dated 01.08.2022 registered for the offences punishable u/ss 341, 323, 498A, 504, 506 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 informant mentally and physically due to non-fulfillment demand of four wheeler vehicle as dowry. It is further alleged that the petitioner sprinkled kerosene oil on the body of the informant to kill her but she escaped and saved her life.

4. Learned counsel for the petitioner has submitted that



the petitioner has falsely been implicated in this case. The petitioner is the husband of the informant. Learned counsel has 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 no criminal antecedent as stated at para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner and submitted that the matter was referred to the Mediation Center, Patna High Court but the reconciliation between the parties could not be resolved.

6. 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 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 Phulwarisharif (Janipur) P.S. Case No. 918 of 2022, subject to conditions 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 prosecution will be at liberty to move for cancellation of his bail bond.

7. 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.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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