

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49897 of 2023

Arising Out of PS. Case No.-2106 Year-2019 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Jayant Kumar Singh, aged about 35 years (Male), Son of Mohan Singh,
Resident of village-Basti Balha, P.S. - Kusheshwar Asthan, Distt. - Darbhanga

... .. Petitioner

Versus

1. The State of Bihar.
2. Sony Devi, W/o Jayant Kumar Singh, D/o Yugal Kishore Singh, R/o vill -
Basti Balha, P.S. - Kusheshwar Sthan, Distt. - Darbhanga, At present R/o
Ganeshpur, P.S. - Ahiyapur, Distt. - Muzaffarpur.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Raju Kumar, Advocate
For the O.P. No.	:	Mr. Surendra Kumar Singh, Advocate
For the State	:	Mr. Bishweshwar Ram, A.P.P.

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

ORAL ORDER

7 12-12-2023 In compliance of the order dated 23.08.2023, a

supplementary affidavit bringing on record the up-to-date status

of payment of maintenance to the opposite party no. 2 has been

filed by learned counsel for the petitioner, in course of the day.

Let it be kept on the record.

2. 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.

3. Heard learned counsel for the petitioner, learned

counsel for the opposite party no. 2 and learned Additional

Public Prosecutor for the State.



4. The petitioner is apprehending his arrest in connection with Complaint Case No. 2106 of 2019 dated 27.07.2019 registered for the offences punishable under Section 498A of the I.P.C. and Section 4 of the D.P. Act.

5. As per the prosecution case, the petitioner and other co-accused persons are alleged to have tortured the complainant due to non-fulfilment of demand of Rs. 2,00,000/- and Bullet Motorcycle as dowry.

6. 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. It is further submitted that the petitioner is the husband of the complainant and he has no concern with the alleged offence. It is submitted that the petitioner and his family members tried their best to keep the complainant with full honour and dignity but the complainant herself is not ready to live with the petitioner as stated in paragraph no. 12 of the bail application. Earlier the petitioner has filed Matrimonial Case No. 175 of 2019 in the court of learned Principal Judge, Family Court, Darbhanga for restitution of his conjugal right. The complainant has also filed a Maintenance Case No. 14 of 2020 before the learned Principal



Judge, Family Court, Muzaffarpur in which interim order has been passed to pay Rs. 6,000/- per month as maintenance to the complainant. Learned counsel for the petitioner has relied upon the judgments 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*” and 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*. Learned counsel for the petitioner has further submitted that Section 498(A) of the Indian Penal Code is triable by the Magistrate. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

7. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have opposed the prayer for anticipatory bail of the petitioner.

8. 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, East, Muzaffarpur in connection with Complaint Case No. 2106 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

9. 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.

10. The application stands allowed.

(Chandra Prakash Singh, J)

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