

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53970 of 2023

Arising Out of PS. Case No.-950 Year-2022 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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Bharat Swarnkar Son Of Late Bhola Swarnkar Village- Nehru Mohalla, Ward
No-9, Ps- Bakhtiyarpur Dist- Saharsa

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Sunita Devi Wife Of Bharat Swarnkar, D/O- Jawahar Swarnkar Village-
Murballa Po- Kamalpur Ps- Barhara Kothi Dist- Purnia

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Subesh Sharma, Advocate
For the Complainant	:	Mr. Sada Nand Ray, Advocate
For the Opposite Party/s	:	Mr. Rajendra Singh, APP

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

ORAL ORDER

5 07-12-2023 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

counsel for the complainant as well as learned Additional Public

Prosecutor for the State.

3. The petitioner is apprehending his arrest in a case in

connection with Complainant Case No. 950C of 2022 dated

23.08.2022 registered for the offence/s punishable u/ss 323, 341,

498A, 504 and 120B of the Indian Penal Code.

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. one lakh as dowry.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner neither demanded any dowry nor tortured the complainant. There is general and omnibus allegation against the petitioner who is the husband of the complainant. 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 is also accused in one more criminal case as stated at para 3 of the bail petition.

6. Learned counsel for the complainant as well as learned A.P.P. for the State has vehemently opposed the



anticipatory bail petition 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 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, Saharsa in connection with Complainant Case No. 950C 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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