

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54105 of 2023

Arising Out of PS. Case No.-591 Year-2022 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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Jitu Kumar, (Male), aged about 26 years, Son of Naresh Kevat, Resident of village - Narainpur, P.S. - Bind, Distt. - Nalanda.

... .. Petitioner

Versus

1. The State of Bihar.
2. Punam Kumari, Wife of Jitu Kumar, Resident of village - Narainpur, P.S. - Bind, Distt. - Nalanda. At present residing at D/o Late Arjun Kevat, Resident of vill - Garibpur, P.S. - Deepnagar, Distt. - Nalanda.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Rabindra Prasad Singh, Advocate
For the O.P. No. 2	:	Mr. Nawal Kishore Singh, Advocate
For the State	:	Mr. Ram Sumiran Rai, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 06-11-2023 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. A Vakalatnama has been filed on behalf of the opposite party no. 2. Let it be kept on the record.

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. 591C/2022 dated



06.07.2022 registered for the offences punishable under Sections 498A, 341, 323, 504, 506, 379/34 of the I.P.C. and Sections 3 and 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 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. The petitioner is ready to keep the complainant-opposite party no. 2 as wife with full dignity and honour and he has also filed a Matrimonial Case No. 202 of 2022 before the learned Principal Judge, Family Court, Nalanda at Bihar Sharif but the opposite party no. 2 has not appeared before the Family Court, Nalanda at Bihar Sharif. 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, Nalanda at Bihar Sharif in connection with Complaint Case No. 591C/2022, 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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