

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58505 of 2023

Arising Out of PS. Case No.-1866 Year-2022 Thana- PURNIA COMPLAINT CASE District-
Purnia

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1. Raushan Jha S/O - Niwas Jha R/O Village - Mesaul West Ward No. 3 Kamla Garden, P.S. - Sitamadhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Tripati Raj @ Tripati Jha D/O - Bhavesh Chandra Mishra R/O - Mohalla Chandhary Hata (pratap Nagar) Opposite Ursh Line Rang Bhoomi Maidan, P.S. - Purniya

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ranjit Kumar Thakur, Advocate
For the State	:	Mr.Sanjay Kumar, APP
For the O.P. No. 2	:	Mr. Fazle Karim, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 28-11-2023 Heard learned counsel for the petitioner, learned counsel for the O.P. No. 2 and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Complaint Case No. 1866 of 2022 dated 17.10.2022 registered for the offences punishable u/s 498A of the Indian Penal Code.

3. 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. 15 lakhs and one four wheeler car as dowry.



4. 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 informant. It is further submitted that the petitioner is the husband of the Complainant and he has no concern with the alleged offence. Learned counsel has further submitted that the petitioner is ready for one time settlement for Rs. 15 lakh which was denied by the learned counsel for O.P. No. 2. 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 and learned counsel for O.P. No. 2 have opposed the prayer for anticipatory bail of the petitioner.

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 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, Purnia in connection with Complaint Case No. 1866 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

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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