

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.56902 of 2023**

Arising Out of PS. Case No.-34 Year-2020 Thana- COMPLAINT CASE District- Supaul

Sumit Kumar Sonu @ Summit Kumar Sonu Son Of Ram Raksha Singh  
Resident Of Mohalla - Shivpuri Ward No.14, Saharsa, P.S. - Saharsa, District  
- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Gunjan Kumari Wife of Sumit Kumar Sonu @ Summit Kumar Sonu,  
Daughter of Bhuvneshwar Singh Resident of Village - Sohta, P.O. -  
Chatapur, District - Supaul

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Amarnath Jha  
For the Opposite Party/s : Mr.Sanjay Kumar Pandey

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

ORAL ORDER

4      19-12-2023                      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  
Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in  
connection with Complaint Case No. 34C of 2020 dated  
09.01.2020 registered for the offence punishable under Sections  
498A, 323, 341 and 342 read with 34 of the Indian Penal Code  
and Sections 3 & 4 of the D.P. Act.

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. 5 lacs as dowry.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. There is general and omnibus allegation against the petitioner who is 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 accused in one more criminal case as stated in para 3 of the bail petition. Learned counsel has further submitted that this complainant case has been filed after 16 years of marriage.

6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail 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 anticipatory 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, Supaul in connection with Complaint Case No. 34C of 2020, 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)**

atul/-

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