

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59886 of 2023

Arising Out of PS. Case No.-85 Year-2022 Thana- SURYAPURA District- Rohtas

Vikash Kumar Singh S/O Basropan Singh @ Vasropan Singh @ Dhurendhar Singh Resident Of Village- Shivobahar, P.S- Suryapura, Dist- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soni Devi W/O Vikash Kumar Singh, D/O Lal Babu Singh R/O Village- Jethwar, P.S- Tarari, Distt.- Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashikant

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 27-09-2023 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 Suryapura P.S. Case No. 85 of 2022 dated 28.06.2022 registered for the offences punishable under Sections 341, 323, 498 (A)/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

4. As per the prosecution case, the petitioner and the co-accused persons are alleged to have tortured the complainant



physically and mentally due to non- fulfillment of demand of Rs. 1.5 lakhs and a Motorcycle as dowry.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been 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 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 Indian Penal Code is triable by the Magistrate. There is general and omnibus allegation against the petitioner. The petitioner has clean antecedent as stated in para-3 of the bail petition.

6. Learned A.P.P for the State has opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances as well as submissions of the parties, let the above named petitioner, in the event of his arrest/ surrender within six weeks from the date of receipt of this order to the court concerned, be released on anticipatory bail on furnishing bail bonds of Rs



20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of the Learned Judicial Magistrate, 1st class, Bikramganj in Suryapura P.S. Case No. 85 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

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.

(Chandra Prakash Singh, J)

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