

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58040 of 2023

Arising Out of PS. Case No.-18 Year-2019 Thana- MAHILA PS District- Jehanabad

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FULENDRA PATEL S/O BHAGWAN SINGH R/O VILLAGE- BAGHRA,
P.S- KARPI, DISTT.- ARWAL.

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. GYANTI KUMARI W/O FULENDRA PATEL, D/O LATE RAM JANAM SINGH R/O VILLAGE- BASANBIGHA, P.S- DAUDNAGAR, DISTT.- AURANGABAD.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shivendra Prasad, Advocate
For the Opposite Party/s	:	Mr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 01-11-2023 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. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in a case in connection with Arwal Mahila P.S. Case No. 18 of 2019 dated 06.09.2019 registered for the offence/s punishable u/ss 341, 323 and 498A read with section 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 informant



mentally and physically due to non-fulfillment of demand of a motorcycle 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. Learned counsel has further submitted that as per the impugned order, both the parties are not ready to pacify the matter and the reconciliation failed. The petitioner neither demanded any dowry nor tortured the informant. 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.

6. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner who is the husband of the informant.

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, Arwal in connection with Arwal Mahila P.S. Case No. 18 of 2019, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with the following condition/s:-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner is liable to be cancelled.

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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