

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65383 of 2023

Arising Out of PS. Case No.-509 Year-2022 Thana- BHORE District- Gopalganj

VIJAY KUMAR son of Bunela Prasad Village- Barsipur Khatik Tola Ps-
Salempur Dist- Deoria U.P

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Urmila Devi wief of Vijay Kumar, D/o- Roushan SAh Village- Bankta Mal
Ps- Bhore Dist- Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Adesh Raj, Advocate
For the Informant	:	Mr. Suresh Prasad Bhakta, Advocate
For the Opposite Party/s	:	Mr. Rabindra Kumar, APP

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

ORAL ORDER

2 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. Heard learned counsel for the petitioner and learned

counsel for the informant as well as learned Additional Public

Prosecutor for the State.

3. The petitioner is apprehending his arrest in a case in

connection with Bhore P.S. Case No. 509 of 2022 dated

25.10.2022 registered for the offence/s punishable u/s 498A read

with section 34 of the Indian Penal Code and $\frac{3}{4}$ of the DP 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 an Apache motorcycle as dowry.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner is the husband of the informant. The petitioner neither demanded any dowry nor tortured the informant. There is general and omnibus allegation against the petitioner. 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 counsel for the informant as well as learned A.P.P. for the State has vehemently opposed the anticipatory bail petition 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 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, Gopalganj in connection with Bhore P.S. Case No. 509 of 2022, 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)

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