

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77162 of 2023

Arising Out of PS. Case No.-645 Year-2022 Thana- BUDDHACOLONY District- Patna

Ravi Kumar Son Of Raj Kumar Prasad @ Raj Kumar Resident Of Village-
House No. 447, Sector- 8, Part 2, Urban Estate, Karnal Punjab Presently
Residing At Ansal Celebrity Green, Rishta Golf City, Quarter Number -A
Block Flat No. 1001, Near Lullu Mall, Shaheed Path, Luchnow, Up

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kajal Kumari Daughter Of Sri Birendra Mahto Resident Of Village- North
Mandiri, Ps- Buddha Colony, Dist- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Madhav Raj, Advocate
For the Opposite Party/s :	Mr.Ajay Kumar No. 2, A.P.P
For the Informant/s :	Mr. Kamlesh Kumar, Advocate
	Mr. Kahkashan Alam, Advocate

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

ORAL ORDER

2 07-12-2023 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 Buddha Colony P.S. Case No. 645 of 2022
dated 15.12.2022 registered for the offence punishable under
Sections 498A and 307 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 informant mentally and physically due to non-fulfillment of demand of 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 informant. The petitioner neither demanded 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 in para 3 of the bail petition.

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, Patna in connection with Buddha Colony P.S. Case No. 645 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with further condition:-

(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 bond 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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