

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76531 of 2023

Arising Out of PS. Case No.-10 Year-2023 Thana- BOCHAHAN District- Muzaffarpur

Prabhakar Kumar Son Of Umashankar Singh, Resident Of Village- Athari, Ps-
Runni Saidpur, Dist- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Indu Devi Wife Of Ashok Prasad Singh, Resident Of Village- Lohsari, Ps-
Bochahan, Dist- Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

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

ORAL ORDER

2 18-12-2023

Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending his arrest in a case
in connection with Bochahan PS Case No. 10 of 2023 dated
05.01.2023, registered for the offences punishable under
Sections 341, 342, 323, 307, 498(A), 504, 506 and 494 of the
Indian Penal Code and under Section 3/4 of the Dowry
Prohibition Act.

3. As per the prosecution case, the marriage of
informant's daughter was solemnized with the petitioner. It is
further alleged that her husband started harassing her for the
demand of dowry.

4. Learned counsel for the petitioner has submitted
that the petitioner is innocent and has been falsely implicated in
this case. The petitioner neither demanded any dowry nor

tortured the complainant. It is further stated that earlier, prior to this case, the wife of the petitioner has registered Bochhan PS Case No. 66 of 2020, under Section 498(A) of IPC and under Section 3/4 of Dowry Prohibition Act and the present case been lodged by the mother-in-law of the petitioner. It is further submitted that 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 498 A of the the Indian Penal Code is triable by the Magistrate. Learned counsel has further relied on the judgements 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 & Another*** passed in Criminal Appeal No (s). 2207 of 2023 arising out of Special Leave Petition (CRL.) No. 3433 of 2023. The petitioner has two criminal antecedents as stated at para 3 of the bail petition.

5. Learned APP for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances as well as the nature of allegation against the petitioner, let the petitioner named-above, 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 learned JM-I, Muzaffarpur (East), in connection with Bochahan PS Case No. 10 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. 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 reconcialiation or one time settlement.

8. The application stands allowed.

(Chandra Prakash Singh, J)

Shahnawaz/-

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