

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73427 of 2023**

Arising Out of PS. Case No.-2702 Year-2019 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Suresh Das @ Suresh Kumar Das Son Of Abhilash Das @ Bilash Das
Mohalla- Islampur Daheriya Bhatta, W.No- 45, Ps- Muffasil, Dist- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rupa Kumari @ Rupa Devi wife of Suresh Das, D/o- Kapildev Sharma P/A-
Village- Durgapur Gaushala Po- Daheriya Mills Ps- Sahayak, Dist- Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indradeo Prasad, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

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

ORAL ORDER

2 22-11-2023 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

connection with Complaint Case No. 2702 of 2019 dated

17.12.2019 registered for the offences punishable under

Sections 498A, 448, 323/34 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. 2 lakh 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 filed a Matrimonial case bearing no. 204 of 2020 which is pending before the court of learned Principal Judge, Katihar in which despite proper service of notice, the complainant did not appear before the court below. The court below has fixed the case for ex-parte hearing. There is general and omnibus allegation against the petitioner who is the husband of the complainant. 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 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 Sub- Divisional Judicial Magistrate, Katihar in Complaint Case No. 2702 of 2019, 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.

9. The application stands allowed.

(Chandra Prakash Singh, J)

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