

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75878 of 2023

Arising Out of PS. Case No.-462 Year-2022 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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Sandeep Yadav@Sandeep Kumar Son Of Gholat Yadav Resident Of Village-
Rahi Tola, Police Station- Gawalpara, District- Madhepura

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Khushboo Kumari Wife Of Sandeep Kumar, Daughter Of Pintu Yadav
Resident Of Village- Rahi Tola, Police Station- Gawalpara, District-
Madhepura Present Resident Of Village At Rampur, Ward No. 11, Police
Station- Murliganj, District- Madhepura

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Surya Narayan Yadav, Adv.
For the complainant	:	Mrs. Nafissuzzoha, Adv.
		Ms. Rabia Gulnaz, Adv.
For the Opposite Party/s	:	Mrs.Sharda Kumari, APP

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

ORAL ORDER

2 14-12-2023 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
counsel for the complainant as well as learned Additional Public
Prosecutor for the State.

3. The petitioner is apprehending his arrest in a case in
connection with Complaint Case No. 462C of 2022, dated
29.08.2022 registered for the offence/s punishable u/ss 498A,
384, 406, 341, 323, 504 and 506 of the Indian Penal Code and ¾



of the DP Act.

4. As per the prosecution case, the petitioner and the co-accused persons are alleged to have tortured the complainant mentally and physically due to non-fulfillment of demand of Rs. two lakhs 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 complainant. The petitioner neither demanded any dowry nor tortured the complainant. There is general and omnibus allegation against the petitioner. Learned counsel has further submitted that a Panchayati was held on 17.08.2022 and an *Ekrarnama* was signed in presence of *Sarpanch*, her father and the petitioner as well as the victim and they put their signature on it in which it has been mentioned that the complainant does not want to live with the petitioner. The said *Ekrarnama* was signed on 17.08.2022 and the present complaint case was filed on 29.08.2022. Learned counsel for 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 complainant 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, Madhepura in connection with Complaint Case No. 462C 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.

9. The application stands allowed.

(Chandra Prakash Singh, J)

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