

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73252 of 2023

Arising Out of PS. Case No.-24 Year-2023 Thana- MAHILA PS District- Gopalganj

MOHAN KUMAR S/o- LATE KASHI MAHTO Village- Banjari Ps-
Gopalganj town Dist- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. NEHA KUMARI wife of Mohan Kumar, D/o- Mahesh Mahto Village-
Dahibhata Takiya tola Ps- Uchakagaon Dist- Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam

For the Opposite Party/s : Mr.Pronoti Singh

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

ORAL ORDER

2 28-11-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Gopalganj Mahila Case No. 24 of 2023 dated 21.06.2023 registered for the offences punishable under Sections 341, 323, 498A, 406, 494, 504, 506 read with Section 34 of the Indian Penal Code and under Sections 3/4 of the Dowry Prohibition and Excise Act.

3. 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 motorcycle as dowry.

4. Learned counsel for the petitioner has submitted that



the petitioner is innocent and has been falsely implicated in this case. There is general and omnibus allegation against the petitioner. The petitioner neither demanded any dowry nor tortured the informant. It is further submitted that the petitioner is the husband of the informant and he has no concern with the alleged offence. 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.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. 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/- (Twenty



Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Gopalganj in connection with Gopalganj Mahila P.S. Case No. 24 of 2023, subject to the condition 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 reconciliation or one time settlement.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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