

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73540 of 2023

Arising Out of PS. Case No.-1257 Year-2021 Thana- GAYA COMPLAINT CASE District-
Gaya

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SUNIL KUMAR PRASAD Son of Late Binay Krishna Prasad R/o vill - Hatia
VLW Colony, P.S. - Jagarnathpur, Distt. - Ranchi (Jharkhand)

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Chanchla Kumari D/o Sri Ramadit Prasad R/o vill - Kujapi, P.S. - Chandauti,
Distt. - Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate
For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

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

ORAL ORDER

3 29-11-2023 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 a case in

connection with Complaint Case No. 1257 of 2021 dated

15.12.2021 registered for the offence/s punishable u/ss 498A,

379, 354 of the Indian Penal Code and $\frac{3}{4}$ of the DP Act but the

learned court below took the cognizance under section 498A of

the Indian Penal Code and $\frac{3}{4}$ of the DP 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 10,00,000/- 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 informant. Learned counsel has further submitted that the complainant filed O.S. 217 of 2020 in the divorce case for permanent alimony before the Principle Family Court, Ranchi thereafter she filed the present complaint against the petitioner. The petitioner neither demanded any dowry nor tortured the informant. There is general and omnibus allegation against the petitioner. 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 informant 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, Gaya in connection with Complaint Case No. 1257 of 2021, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

9. The application stands allowed.

(Chandra Prakash Singh, J)

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