

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75699 of 2023**

Arising Out of PS. Case No.-26 Year-2023 Thana- MAHILA P.S. District- Madhubani

Modkant Jha Son Of Late Bhuwan Kant Jha R/O Village- Koilakh, P.S.-
Rajnagar, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. Neha Jha W/O Modkant Jha R/O Village- Koilakh, P.S.- Rajnagar, District-
Madhubani. At Present D/O Sri Krishn Mishr, R/O Village- Haripur, Gauri
Das Tola, P.S.- Kaluwahi, District- Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Mrs. Sharda Kumari, APP

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

ORAL ORDER

2 13-12-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in
connection with Madhubani Mahila P.S. Case No. 26 of 2023
dated 15.06.2023 registered for the offences punishable u/ss
341, 323, 498A read with section 34 of the Indian Penal Code.

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 Rs.
1,00,000/- as dowry.

5. 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 informant. Learned counsel has further submitted that the instant case has been lodged against the petitioner after 12 years of marriage. 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 Indian Penal Code 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 A.P.P. for the State has opposed the prayer for anticipatory bail 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 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, Madhubani in connection with Madhubani Mahila P.S. Case No. 26 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

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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