

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76496 of 2023**

Arising Out of PS. Case No.-255 Year-2022 Thana- ROSHANGANJ District- Gaya

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BANTI YADAV @ PINTU KUMAR YADAV SON OF BANDHU YADAV
RESIDENT OF VILLAGE - PACHMA, P.S. - BANKE BAZAR, DISTRICT
- GAYA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. SUSHMA KUMARI WIFE OF BANTI YADAV RESIDENT OF VILLAGE
- PACHMA, P.S. - BANKE BAZAR, DISTRICT - GAYA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan, Adv.
For the Opposite Party/s : Mr.Md. Iftekhar Mahmood, APP

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

ORAL ORDER

2 12-12-2023 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 Roushanganj (Banke Bazar) P.S. Case No. 255 of 2022 dated 03.10.2022 registered for the offences punishable u/ss 498A, 379, 354 read with section 34 of the Indian Penal Code.

4. As per the prosecution case, the petitioner and the co-accused persons are alleged to have tortured the informant mentally and physically and ousted her from the matrimonial home. It is further alleged that they also snatched Rs. 25,000/-, gold earring and nose pin from the informant.



5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. It is further submitted that the petitioner is the husband of the informant. The petitioner neither demanded any dowry nor tortured the informant. 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 vehemently opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the allegation being general and omnibus against the petitioner, 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/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Sherghati, Gaya in connection with Roushanganj (Banke Bazar) P.S. Case No. 255 of 2022, subject to conditions 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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