

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76738 of 2023

Arising Out of PS. Case No.-20 Year-2023 Thana- ROHTAS District- Rohtas

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Lavkush Kumar Js/O Jagdeo Prasad Tanti @ Jagdeo Prasad R/O Village- Nal Band Toli, Kadri School, Ward No. 07, P.O And P.S- Daud Nagar, Distt.- Aurangabad.

... .. Petitioner

Versus

1. The State of Bihar
2. Amrita Kumari W/O Lavkush Kumar R/O Village- Nal Band Toli, Kadri School, Ward No. 07, P.O And P.S- Daud Nagar, Distt.- Aurangabad.

... .. Opposite Partys

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Appearance :

For the Petitioner/s : Mr. Ashwani Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Mohammed Arif, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 21-12-2023 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 Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in a case in connection with Rohtas P.S. Case No. 20 of 2023 dated 01.02.2023 registered for the offence/s punishable u/ss 147, 148, 341, 323, 379, 504, 506 and 498-A of the Indian Penal Code and under Section 3/4 of the Dowry Prohibition Act,

4. The petitioner and the co-accused persons are alleged to have tortured the informant physically and mentally due to non-fulfilment of demand of Rs. 50,000 and a motorcycle as dowry.



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, who is the husband of the informant. On the basis of aforesaid F.I.R. as contained in Annexure-1 was registered against the petitioner and his family member and the police took up investigation in its hand. It is submitted that the petitioner is ready to keep her wife (Opposite Party No.2) with full dignity and honour. 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 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 as well as the allegation being general and omnibus, 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, Dehri, Rohtas in connection with Rohtas P.S. Case No. 20 of 2023, 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.

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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