

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9181 of 2024

Arising Out of PS. Case No.-114 Year-2023 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Bhushan Patel @ Bhusan Kumar Prasad @ Bhusan Patel, aged about 40 years, S/O Rajesh Patel, R/O Village- Kalwari Majhariya, P.S- Aadapur, Distt.- East Champaran.

... .. Petitioner

Versus

1. The State of Bihar
2. Sarita Devi, W/O Bhusan Patel, D/O Rajeshwar Raut, R/O Village- Berihari, P.S- Aadapur, Distt.- East Champaran, Motihari.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Rajesh Kumar, Advocate
For the State	:	Mr. Awadhesh Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 15-04-2024 Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 114 of 2023 dated 28.03.2023 registered for the offences punishable under Sections 323, 313, 341, 379, 498A/34, 504 of the I.P.C. and Sections ¾ of the D.P. Act in which cognizance has been taken for the offences punishable under Sections 323, 504 and 498A of the I.P.C.

3. As per the prosecution case, the petitioner and other



co-accused persons are alleged to have tortured the complainant mentally and physically due to non-fulfilment of demand of a motorcycle as dowry.

4. 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 complainant. It is further submitted that the petitioner is the husband of the complainant and he has no concern with the alleged offence. It is further submitted that the petitioner is ready to keep the complainant as his wife with full dignity and honour as stated in paragraph no. 7 of the bail petition. Learned counsel for the petitioner has relied upon the judgments 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*” and 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*. Learned counsel for the petitioner has further submitted that Section 498A of the Indian Penal Code is triable by the Magistrate. The petitioner has clean antecedent as stated



in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have vehemently opposed the prayer for anticipatory bail of the petitioner. Learned counsel for the opposite party no. 2 has submitted that the opposite party no. 2 is ready to live with 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, Raxaul at Motihari, East Champaran in connection with Complaint Case No. 114 of 2023, subject to the condition 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 bonds of the petitioner are liable to be cancelled.



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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