

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5054 of 2024

Arising Out of PS. Case No.-1770 Year-2022 Thana- SARAN COMPLAINT CASE District-
Saran

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Narendra Singh (M), aged about 30 years, S/O Suresh Singh, R/O Village-
Bankerwa Bhav, P.S. Parsa, Dist. Saran.

... .. Petitioner

Versus

1. The State of Bihar.
2. Bipin Bihari Singh (M), age 44 years, S/O Har Narayan Singh, R/O Village-
Rahimpur Yadav, P.S. Marhaurah, Dist. Saran.
3. Smt. Isha Singh, W/O Narendra Singh, D/O Bipin Bihari Singh, R/O
Village- Rahimpur Yadav, P.S. Marhaurah, Dist. Saran.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Rajiv Kumar, Advocate
For the State	:	Mr. Md. Shakir Ahmad, A.P.P.

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

ORAL ORDER

3 20-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 1770 of 2022, Tr. No. 746
of 2023 dated 15.06.2022 registered for the offence punishable
under Section 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's daughter due to non-fulfilment of demand of a
four wheeler vehicle 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's daughter. It is further submitted that the petitioner is the husband of the complainant's daughter and he has no concern with the alleged offence. It is submitted that the petitioner has filed a Matrimonial Case bearing P.A. No. 252 of 2022 under Section 11 of the Hindu Marriage Act in the court of learned Principal Judge, Family Court, Ahmadnagar, Maharashtra, since at the time of marriage, the complainant's daughter was minor aged about 17½ years, therefore, the marriage is void as is evident from her matriculation certificate annexed as Annexures-2 and 3 to the bail petition. It is further submitted that just after five days of the marriage, the complainant went to the petitioner's house and forcibly took his daughter-opposite party no. 3, by saying that at the time of marriage she was minor. 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 has opposed the prayer for anticipatory bail of 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, Chapra in connection with Complaint Case No. 1770 of 2022, Tr. No. 746 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(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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