

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8220 of 2024

Arising Out of PS. Case No.-539 Year-2023 Thana- DEHRI TOWN District- Rohtas

1. Yashwant Singh son of Late Rajdeo Singh Village- Patanwa Kala Ps-Indrapuri Dist- Rohtas
2. Manorama Devi wife of Sri Yashwant Singh Village- Patanwa Kala Ps-Indrapuri Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Bihari Singh, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 05-03-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioner are apprehending their arrest in a case in connection with Dehri Nagar P.S. Case No. 539 of 2023 dated 06.07.2023 registered for the offence/s punishable u/ss 498A, 494, 323, 341, 504 and 506 read with section 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioners and the co-accused persons are alleged to have tortured the informant mentally and physically due to non-fulfillment of demand of a bullet motorcycle and Rs. 50,000/- as dowry.

4. Learned counsel for the petitioners has submitted



that the petitioners are innocent and have falsely been implicated in this case. The instant case been filed by the informant against the petitioners after 41 years of her marriage. The petitioner no.1 is the husband of the informant. The petitioners neither demanded any dowry nor tortured the informant. The age of the petitioner no. 1 and 2 is about 70 years and 60-65 years respectively. There is general and omnibus allegation against the petitioners. Learned counsel for the petitioners 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 petitioners have one more criminal antecedent as stated at para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioners.



6. Considering the aforesaid facts and circumstances of the case as well as the allegation being general and omnibus, let the above named petitioners, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned court concerned, Rohtas in connection with Dehri Nagar P.S. Case No. 539 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

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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