

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9717 of 2024

Arising Out of PS. Case No.-1023 Year-2022 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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Ravi Shankar Prasad @ Guddu @ Ravi Shankar Kumar Varma S/o Brahmdev
Prasad R/o Vill - Kopin, P.S. - Sitamarhi, Dist. - Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Kumari D/o Krishnandan Prasad @ Ram Krishna Prasad R/o Vill -
Darawan, P.S. - Kawakol, Dist. - Nawada

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Rajesh Ranjan Kumar
For the Opposite Party/s	:	Mr.Harendra Prasad
For the Informant/s	:	Mr. Rabi Bhushan Prasad No. 1

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

ORAL ORDER

2 11-03-2024 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 as well as learned

counsel for the informant.

3. The petitioner is apprehending his arrest in

connection with Complaint Case No. 1023/2022 dated

25.08.2022 registered for the offence punishable under Sections

323, 379, 406, 420 and 498A of the Indian Penal Code and

Sections 3 & 4 of the D.P. Act but the cognizance has been

taken under Sections 498A, 323 and 379 of the IPC and Section

4 of the D.P. Act.



4. As per the prosecution case, the petitioner and the co-accused persons are alleged to have tortured the informant mentally and physically due to non-fulfillment of demand of Rs. 5 lacs 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 husband of the complainant. The petitioner neither demanded any dowry nor tortured the complainant. 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 as well as learned counsel for the informant. Learned counsel for the



informant has submitted that the complainant is willing to live with the petitioner.

7. 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/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Nawada in connection with Complaint Case No. 1023/2022, 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 bonds 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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