

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7285 of 2023

Arising Out of PS. Case No.-1804 Year-2019 Thana- GAYA COMPLAINT CASE District-
Gaya

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DEEPAK KUMAR SINHA Son of Ravindra Kumar Sinha R/o Quality Engineer South Bihar Power Distribution Company Naka-5, Post- Near National Cinema District Darbhanga PIN CODE- 846003. At present (Ravindra Bhawan) Sansar Pokhar Ward No. 17 Lakhisarai PIN CODE- 811311 At present r/v- Phuliya Toli, P.O.- Mobarakpur, P.S.- Phulwari Sharif, District- Patna 801505

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. SHREYA Wife of Deepak Kumar Sinha Daughter of Late Raj Kumar Prasad R/o Mohalla- Ghughri Tand Mali Bagicha Building No. 451, P.S.- Vishnupad, District- Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar, Adv.
For the O.P. No. 2 : Mr. Aryan Singh, Adv.
For the Opposite Party/s : Mr.Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

8 22-01-2024 Heard learned counsel for the petitioner, learned counsel for O.P. No. 2 and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Complaint Case No. 1804/ 2019 dated 04.11.2019 registered for the offences punishable u/s 498A of the Indian Penal Code and 3/4 of D.P. Act.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have tortured the Complainant



mentally and physically due to non-fulfillment of demand of Alto Car as dowry. It is further alleged that the Complainant's father-in-law threatened the Complainant to get his son married with another girl.

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. 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. The supplementary affidavit filed on behalf of the petitioner and in the said case, the compromise took place between both the parties and



as such, a Joint compromise petition has been filed on 04.01.2024 on behalf of the both parties which revealed the followings :-

- 1. That I am petitioner in the present case and as such I am well acquainted with the facts and circumstances of the case.*
- 2. That in the above said case compromise took place in between both the parties and as such a Jointness petition has been filed on 4/1/2024 on behalf of both the parties.*
- 3. That it is humbly submitted that as per compromise, the petitioner is ready to Pay Rs. 1100000/- (Eleven lac Rupees) to the opposite party No. 2 in three installments within six months from the date of grant of anticipatory bail to the petitioner by way of demand draft of Bank and same draft would be deposited/submitted in the court below before learned Sub Divisional Judicial Magistrate, Gaya in connection with Complaint Case No. 1804/ 2019 dated 04.11.2019 in the light of Paragraph No. 2(ii), (iii), (iv) and (v) of the Compromise*



Jointness Petition.

4. That further it is clearly stated that the petitioner is ready to deposit/submit Rs. 400000/- (four lacs Rupees) by way of demand draft of Bank in the court below at the time of furnishing bail bond as First installment and thereafter both the parties will withdraw their cases and thereafter 2nd installment of Rs. 400000/-(4 lacs Rupees) would be deposited/ submitted on the day of filing an application under Section 13(B) of the Hindu Marriage Act for mutual divorce in the Court of learned Principal Judge, Family Court, Gaya and thereafter 3rd installment of Rs. 300000/- would be submitted /deposited on the day of decree of the mutual divorce case.

5. Learned A.P.P. for the State as well as learned counsel for the informant have submitted that the dispute between the parties has already been amicably settled outside of the court and they have supported the factum of Joint



compromise petition.

6. Considering the aforesaid facts and circumstances of the case as well as in view of Joint compromise petition, 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, Gaya in connection with Complaint Case No. 1804 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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