

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8651 of 2024**

Arising Out of PS. Case No.-09 Year-2023 Thana- MAHILA P.S. District- Madhubani

Bishwanath Thakur @ Biswanath Thakur Son of Jiwachh Thakur R/O VILL-
BARAHGORIYA, PS-PANDAU, DIST-MADHUBANI

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Shilpa Sonam Wife of Bishwanath Thakur, D/O-Ganesh Thakur Resident of
Village-Pandaul Laheri Tol, P.S.-Pandaul, Distt.-Madhubani

... .. Opposite Party/s

For the Petitioner/s	:	Mr.Subhash Kumar Jha, Adv.
For O.P. No. 2	:	Mr. Niraj Kumar, Adv.
		Ms. Saloni Sinha, Adv.
For the Opposite Party/s	:	Mr.Pradeep Narain Kumar, APP

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

ORAL ORDER

2 07-03-2024 Heard learned counsel for the petitioner, learned
counsel for informant /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 Mahila P.S. Case No. 09 of 2023 dated
12.03.2023 corresponding to G.R. No. 363 of 2023 registered for
the offences punishable u/ss 323, 341, 498A, 504 read with section
34 of the Indian Penal Code and u/s 3/4 of the Dowry Prohibition
Act.

4. As per the prosecution case, the petitioner and the co-
accused persons are alleged to have tortured the informant/
O.P.No. 2 mentally and physically due to non-fulfillment of
demand of Rs. 5,00,000/- as dowry. It is further alleged that the
husband of the informant/ O.P. No. 2 has a illicit relationship with



his *bhabhi*.

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. It is the further submitted that the petitioner is the husband of the informant/ O.P.No. 2. The petitioner neither demanded any dowry nor tortured the informant / O.P.No. 2. 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 and learned counsel for the informant / O.P. No. 2 have vehemently opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the allegation being general and omnibus



against the petitioner, 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, Madhubani in connection with Mahila P.S. Case No. 09 of 2023, G.R. No. 363 of 2023, 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 prosecution will be at liberty to move for cancellation of his bail bond.

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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