

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8939 of 2024

Arising Out of PS. Case No.-610 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

Rajmani Singh, Gender-Male, aged about 50 years, S/o Arun Kumar Singh,
R/o Vill - Wafapur Banthu, P.S. - Bhagwanpur, District – Vaishali.

... .. Petitioner

Versus

1. The State of Bihar.
2. Rashmi Singh, Gender-Female, aged about 45 years, W/o Rajmani Singh,
R/o Vill - Wafapur Banthu, P.S. - Bhagwanpur, District – Vaishali. At present
R/o Vill - Bahadurpur Patori, P.S. - Shahpur Patori, Dist. - Samastipur.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Vibhuti Kumar, Advocate
For the State	:	Mr. Kalyan Shankar, A.P.P.

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

ORAL ORDER

3 04-04-2024 Heard learned counsel for the petitioner, learned counsel
for the opposite party no. 2 and learned Additional Public Prosecutor
for the State.

3. The petitioner is apprehending his arrest in connection
with Sahpur Patori P.S. Case No. 610 of 2023 dated 28.09.2023
registered for the offences punishable under Sections 498A, 323, 504
and 506/34 of the I.P.C.

4. As per the prosecution case, the petitioner and other co-
accused persons are alleged to have tortured the informant mentally
and physically due to non-fulfilment of demand of Rs. 10,00,000/- as
dowry.

5. 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 informant. It is further submitted that the petitioner is the husband of the informant and he has no concern with the alleged offence. It is submitted that the marriage between the parties has been solemnized on 24.04.2002 i.e., 22 years ago. It is further submitted that there is general and omnibus allegation against the petitioner. 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.

6. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have vehemently opposed the prayer for anticipatory bail of 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/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Samastipur in connection with Sahpur Patori P.S. Case No. 610 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.

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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