

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7308 of 2023

Arising Out of PS. Case No.-433 Year-2020 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Krishna Kumar @ Krishna Kumar Pandey, (Male, aged about 30 years), S/O
Ram Binod Pandey, R/v- Chaitra North, P.S.- Angarghat, District –
Samastipur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Kalpana Kumari, D/O Shambhu Singh, R/v- Khalipur, P.S.- Sarairanjan,
District – Samastipur.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Shubhesh Pandey, Advocate
For the O.P. No. 2	:	None.
For the State	:	Mrs. Sucheta Yadav, A.P.P.

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

ORAL ORDER

4 09-01-2024 A supplementary affidavit has been filed on behalf of

the petitioner. Let it be kept on the record.

2. 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.

3. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State. However, learned
counsel for the opposite party no. 2 is not present despite service
of notice and filing of Vakalatnama on behalf of the opposite
party no. 2.

4. The petitioner is apprehending his arrest in



connection with C.R. No. 433 of 2020, T.R. No. 738 of 2021 in which cognizance has been taken under Section 498A of the I.P.C.

5. As per the prosecution case, the petitioner and other co-accused persons are alleged to have tortured the complainant due to non-fulfilment of demand of Rs. 3,00,000/- for purchase of Bolero vehicle as dowry.

6. 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. It is submitted that in the Panchayati, the complainant herself is not ready to live with the petitioner. It is submitted that the petitioner is ready to keep the complainant as his wife with full dignity and honour although she herself is not ready to live with the family of the petitioner and she wants to live outside as stated in paragraph no. 10 of the bail application. It is further submitted that while hearing the anticipatory bail application of the petitioner, the complainant had appeared before the learned Sessions Judge and she has flatly refused to live with the petitioner on the flimsy ground



that the petitioner has solemnized second marriage which is baseless, concocted and frivolous as the petitioner has not solemnized second marriage. It is submitted that the complainant, during the process of mediation before the learned Sessions Judge, has filed an application on 12.09.2022 stating therein that she is ready to compromise the matter if the petitioner gives Rs. 4,25,000/- in one time. Learned counsel for the petitioner by filing a supplementary affidavit on behalf of the petitioner has submitted that the petitioner came to know that the complainant has solemnized second marriage with one Pramod Singh, S/O Naresh Singh, R/O village-Rahatpur, Badgari Tola, beside-Bandh, Near-Sluice Gate, P.S. Ballia, District-Begusarai and she has been blessed with an issue out of that wedlock. 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 498(A) 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.

7. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

8. 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 C.R. No. 433 of 2020, T.R. No. 738 of 2021, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

9. 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.

10. The application stands allowed.

(Chandra Prakash Singh, J)

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