

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9311 of 2024

Arising Out of PS. Case No.-102 Year-2021 Thana- BUXAR COMPLAINT CASE District-
Buxar

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Sanjay Gond, aged about 32 years, Gender-Male, S/o Nand Bihari Gond @
Motishan Gond, R/o Village - Chakki (Lakshaman Dera), P.S. - Brahmpur,
District - Buxar

... .. Petitioner

Versus

1. The State of Bihar.
2. Poonam Devi, W/o Sanjay Gond, D/o Shivji Gond, R/o Village - Mahraura,
P.S. - Dumraon, District – Buxar.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Bhaskar Shankar, Advocate
For the O.P. No. 2	:	Mr. Tribhuvan Narayan, Advocate
For the State	:	Mrs. Sangeeta Sharma, A.P.P.

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

ORAL ORDER

3 23-04-2024 Heard learned counsel for the petitioner, learned
counsel for the opposite party no. 2 and learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 102 (C) of 2021 dated
30.01.2021 registered for the offences punishable under Section
498(A) of the I.P.C. and Section 4 of the D.P. Act.

3. As per the prosecution case, the petitioner and other
co-accused persons are alleged to have tortured the complainant
mentally and physically due to non-fulfilment of demand of Rs.
1,00,000/- and motorcycle as dowry.



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. There is general and omnibus allegation against the petitioner. It is submitted that the opposite party no. 2 always make pressure to the petitioner to reside in his sasural to which he was not ready, hence, she went to her naihar on 20.12.2021 alongwith her entire ornaments in absence of the petitioner. It is submitted that the petitioner is ready to keep the opposite party no. 2 and her children with full dignity and love. 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.

5. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have opposed the prayer for anticipatory bail of the petitioner.

6. 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 S.D.J.M. Buxar in connection with Complaint Case No. 102 (C) of 2021, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. 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.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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