

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10244 of 2020

Arising Out of PS. Case No.-125 Year-2019 Thana- MAHILA P.S. District- Bhojpur

RAJESH KUMAR Son of Sri Jagat Rai @ Jagat Rai Resident of Village-
Sakaddi, P.S.- Koilwar, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lalita Kumari Wife of Rajesh Kumar, D/o Bridanandan Singh Resident of
Village- Devkulli, P.S.- Bihta, P.O.- Musepur, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Rajesh Kumar, A.P.P.

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

ORAL ORDER

11 01-02-2024 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.

2. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in
connection with Mahila P.S Case No. 125 of 2019 dated
25.07.2019 registered for the offence punishable u/s 341, 323,
379, 498 A, and 34 of the Indian Penal Code and $\frac{3}{4}$ of Dowry
Act.

4. 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 Rs. 5,00,000/- and golden chain as dowry.

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 who is the husband of the informant/complainant. 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 has 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



(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, his bail bonds are liable to be cancelled.

(Chandra Prakash Singh, J)

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