

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.14105 of 2024**

Arising Out of PS. Case No.-243 Year-2023 Thana- COMPLAINT CASE District- Banka

Shambhu Kumar Jha @Shambhukumar Kapileshwar Jha Son Of Late Kapileshwar Jha Resident Of Village- Shasan Ps- Hasanpur Dist- Samastipur At Present I-202, Shalin Heights 3, Near Hathijan Circle, Ahmedabad, Ps- Vatava Gidc, Gujarat

... .. Petitioner/s

Versus

1. The State of Bihar
2. Madhumita Kumari Daughater Of Manoj Kumar Jha Resident Of Village- Tube Colony, L6 37, Baridih, PS- Sidgoda, Jamshedpur, Distt- East Singhbhum, Jharkhand

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Deepak Kumar  
For the Opposite Party/s : Mr. Sharda Kumari

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

ORAL ORDER

2      28-03-2024                      Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 243 of 2023 registered for the offences punishable under section 498A of the Indian Penal Code.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have tortured the informant mentally and physically and ousted her from the matrimonial home due to the non fulfillment of demand of Rs. 15 lacs as dowry.

4. 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 further submitted that the petitioner is the husband of the informant. The petitioner neither demanded any dowry nor tortured the informant. 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.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. 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, Banka in connection with complaint Case No. 243 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, his bail bonds is liable to be cancelled.

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.

N.K/-

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**(Chandra Prakash Singh, J)**

