

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13498 of 2024

Arising Out of PS. Case No.-761 Year-2022 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Amod Das, aged about 27 years (Male), Son of Surendra Das, Resident of
Village- Mathma, P.S.- Kathaiya, District- Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Pushpa Devi, aged about 24 years (Female), Wife of Amod Das, D/o Natthu Das, Resident of Village- Haldi Mathma, P.S.- Kathaiya, Dist.- Muzaffarpur, At present residing at Jhitkahi Madhuban, P.S.- Kanti, Dist.- Muzaffarpur.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Sunil Kumar Pandey, Advocate
For the State	:	Mrs. Sharda Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 25-04-2024 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. 761 of 2022 dated 08.06.2022 registered for the offences punishable under Sections 498A, 323 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/- 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. It is further submitted that the opposite party no. 2 always wants to live at her naihar with the petitioner for which she used to create pressure. She left her female child and is living at her naihar for about four years. 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. (West), Muzaffarpur in connection with Complaint Case No. 761 of 2022, subject to the condition 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, the bail bonds of the petitioner are 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.

(Chandra Prakash Singh, J)

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