

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16053 of 2024

Arising Out of PS. Case No.-234 Year-2019 Thana- SAHPUR District- Bhojpur

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Jai Shankar Tiwary Son of Krishnanand Tiwary R/o Village- Babhangawan,
P.S.- Barahara, District- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Vishwanath Ojha Son of Mahabir Ojha R/o Village- Sanjhauli, P.S.-
Shahpur, District- Bhojpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhanendra Chaubey

For the Opposite Party/s : Mr.Ajit Kumar

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

ORAL ORDER

2 19-03-2024 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 Shahpur P.S. Case No. 234/2019 dated

01.09.2019 registered for the offence punishable under Sections

498A of the Indian Penal Code and Sections 3 of the D.P. Act.

4. As per the prosecution case, the petitioner and the

co-accused persons are alleged to have tortured the informant

mentally and physically due to non-fulfillment of demand of Rs.



5 lacs 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 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.

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



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, Ara, Bhojpur in connection with Shahpur P.S. Case No. 234/2019 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, the bail bonds of the petitioner are liable to be cancelled.

8. 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.

9. The application stands allowed.

(Chandra Prakash Singh, J)

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